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**(Revised February 14, 2006)**

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## **Policies 400      Personnel**

### **401   Role of and Guiding Principles for Employees**

#### Policy 401

##### General Personnel Policy Statement

The Board establishes, through these personnel policies, conditions that will attract and retain the most qualified personnel for all positions--people who will devote themselves to the education and welfare of Elkhorn Public Schools students.

In the personnel policies the following definitions shall apply:

Certificated Staff - All teachers, administrators, directors, coordinators, guidance counselors, school psychologists, and all other staff members who are required by law to have a Nebraska teaching or administrator's certificate or a professional license to perform their assigned duties.

Support Staff -All teacher assistants, secretaries, clerical staff members, custodians, maintenance staff, drivers and all other positions that do not fall within the definition of certificated employee.

Personnel policies shall include communication channels through which all persons or groups affected may voice their opinion, as well as procedures for the resolution of professional and ethical problems.

To keep personnel policies and corresponding administrative regulations effective, the Superintendent is directed to establish the procedures needed.

Approved:    July 13, 1992

Revised:      August 12, 1996

Revised:      April 11, 2005

## **402 Employees and Internal Relations**

### Policy 402.01

#### Equal Employment Opportunity Policy

The district is committed to providing a work environment that is free of discrimination and unlawful harassment. In keeping with this commitment, the district will not tolerate discrimination or harassment by any employee of the district on the basis of sex, race, color, religion, national origin, age, disability, pregnancy or any other category protected by law.

#### **REPORTING PROCEDURES**

All employees of the district are responsible for reporting incidents of discrimination or unlawful harassment.

1. If an employee believes that they have experienced or witnessed such conduct in the workplace, he or she should immediately report the matter to the Assistant Superintendent, Elkhorn Public Schools, 20650 Glenn Street, Elkhorn, NE 68022, (402) 289-2579. All reports will be handled in a timely and confidential manner.
2. Upon receiving a complaint of discrimination or unlawful harassment, a prompt, thorough and impartial investigation will be conducted. To the greatest extent practicable, the district will keep the complaint and the terms of resolution confidential.
3. Upon conclusion of the investigation, the district will take prompt and effective remedial action if it determines that discrimination or unlawful harassment has occurred. Any employee found to have engaged in discrimination or unlawful harassment will be subject to appropriate disciplinary action, up to and including immediate discharge.

Employees who in good faith report discrimination or unlawful harassment or participate in the investigation will not be subject to retaliation or reprisals as a result of reporting the matter or providing testimony. It is the policy of the district to encourage discussion of the matter and to help protect others from being subjected to similar inappropriate behavior.

Cross Reference:	103	Equal Educational Opportunity
	406.02	Certificated Employee Qualifications, Recruitment and Selection
	412.01	Support Staff Qualifications, Recruitment and Selection

Approved: July 13, 1992  
Revised: April 11, 2005  
Revised: November 14, 2011

## Policy 402.02

### Employee Orientation and Teacher Mentor Program

All employees must know their role and duties. The employee's immediate supervisor shall provide the new employee with a review of the employee's responsibilities and duties. All employees involved in child care, custody or control responsibilities shall be given instruction in the handling of emergency situations which might arise in the course of the employee's work.

The Board recognizes the need to orient and mentor all teachers and administrators new to the district. The administration is hereby directed to prepare and conduct appropriate orientation sessions of reasonable length for all new and transferred employees. The administration shall also create and implement a mentor program to provide professional development and support for teachers new to the district.

Leg Ref: 79-802

Approved: July 13, 1992  
Revised: September 1999  
Revised: April 11, 2005



## Policy 402.05

### Employee Grievances

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints shall be brought directly to the immediate supervisor, principal or superintendent and shall be made in a constructive and professional manner. Complaints shall never be made in the presence of other employees, students or outside persons.

The Board shall establish a grievance procedure that shall be applicable to all employees and in accordance with state law.

Approved: July 13, 1992  
Revised: April 11, 2005

## **Employee Grievance Procedure**

### **Purpose**

The Elkhorn Public Schools does not discriminate on the basis of sex, race, national origin, marital status, age, or disability in access to employment, hiring and promotion, tenure, compensation, reduction in force, job assignments, leaves of absence and fringe benefits.

The purpose of this procedure is to secure, as soon as possible, equitable solutions to the problems which may from time to time arise affecting the welfare or conditions of service of staff members. These proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.

Nothing herein contained will be construed as limiting the right of any staff member having a grievance to discuss the matter informally with any appropriate administrators and having the grievance adjusted without external intervention, provided the adjustment is not inconsistent with the terms of any applicable rule, regulation or policy of the school district and that the individual has been given the opportunity to have representation at such adjustment and to take part in the proceedings.

### **Definitions**

A "grievance" is a claim based on a dispute or difference of opinion raised by an employee or group of employees, involving the meaning, interpretation or application of established district policies, rules or regulations, and/or civil rights legislation including Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

A "grievant" is the person(s) making the claim.

A "party in interest" is the person(s) making the claim and any person(s) who might be required to take action or against whom action might be taken in order to resolve the claim.

"Days" in this procedure shall refer to days when school is in session. During summer vacation "days" shall refer to Monday through Friday (excluding federal holidays).

## **Procedure**

The inclusion of time limits in this procedure is for the purpose of insuring prompt action. In circumstances where the grievant does not pursue the next step of the procedure within the time period specific, unless there is a mutually agreed extension of time, the grievance shall be deemed to have been settled and no further action shall be required. In the absence of a written reply to a grievance by the appropriate administrator within the required time period, the grievance shall be considered to have been denied and the grievant may submit the grievance in writing to the next level.

In the event a grievance is filed at such time that it cannot be processed through all the steps in this grievance procedure by the end of the school year and, if left unresolved until the beginning of the following school year could result in irreparable harm to a party in interest, the time limits set forth herein will be reduced so that the grievance procedure may be exhausted prior to the end of the school year or as soon thereafter as is possible.

## **Informal Procedure**

Any staff member using the informal procedure may discuss the concern as a grievance with his/her immediate supervisor within ten (10) days from the occurrence or within ten (10) days from the staff member(s) becoming aware of the issue giving rise to the disagreement through the use of reasonable diligence in an effort to resolve the problem informally. The discussion shall take place at a mutually agreeable time. The immediate supervisor shall respond orally.

If, after such discussion, the grievant is not satisfied with the disposition of the grievance, the grievant shall have the right to have a representative assist in further efforts to resolve the problem informally with the immediate supervisor.

## **Formal Procedure**

### **STEP ONE**

If the grievant is not satisfied with the disposition of the issue through informal procedures, the grievant shall reduce the grievance to writing, sign it, and submit it to the building principal or immediate supervisor within five (5) days of the oral response in the informal procedure. A written grievance shall contain a detailed description of the factual circumstances upon which the grievance is based.

If a grievance is filed against a person other than the principal or immediate

supervisor, it will be the responsibility of the principal or immediate supervisor to hold a meeting where both the grievant and the person whom the grievance is filed against may present their case. The principal or immediate supervisor must within five (5) days after receiving a written grievance render a written response to the grievant.

### **STEP TWO**

If the grievant is not satisfied with the disposition of the grievance at step one, the grievant may file the written grievance with the superintendent of schools within ten (10) days of the receipt of the written response at step one. The Superintendent shall, within ten (10) days after receiving the written grievance, meet with the grievant, and representative(s) chosen by the grievant, and the person against whom the grievance is filed. A complete record of this meeting shall be kept by the superintendent and signed by both parties. The record will be made available to the parties involved upon written request. The superintendent shall within five (5) days of the hearing render a decision and reasons therefore in writing to the grievant and the parties in interest.

### **STEP THREE**

If the grievant is not satisfied with the disposition of the grievance at step two, the grievant may file the written grievance with the Board of Education within ten (10) days of the receipt of the written decision from the superintendent.

Within ten (10) days after receiving the written appeal, the board shall meet with the grievant, any representative(s) chosen by the grievant, and the person(s) against whom the grievance is filed for the purpose of resolving the grievance. The decision of the board shall be rendered in writing to all parties involved within five (5) days of the meeting.

### **Miscellaneous**

1. No reprisals of any kind will be taken by the board or by any member of the administration against any party in interest, any building representative or any other participant in the grievance procedure by reason of such participation.
2. Any party in interest may be represented at all steps of the grievance procedure by himself/herself or by a representative of his/her own choosing.
3. Decisions rendered at steps one, two and three of the grievance procedure will be in writing, setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest.
4. If the grievant is a teacher, he/she may seek assistance from the Professional Rights and Responsibilities Committee of the Elkhorn Education Association, when they consider it in their best interest to do so.

Approved: July 13, 1992

Revised: August 12, 1996  
Revised: April 11, 2005

## Policy 402.06

### Employee Records

The school district shall maintain personnel records on employees. The records shall include, but not be limited to, records necessary for the daily administration of the school district, salary and contract record, appraisals, application for employment, references, and other items needed to carry out board policy.

Within ten working days after a written request is made by an employee, the Superintendent or designee shall furnish the employee with an itemized statement listing the wages earned and the deductions made from the employee's wages for each pay period that earnings and deductions were made. The statement may be in print or electronic format.

All materials placed in the employee's personnel file and originating with the District shall be available to the employee upon request for inspection in the presence of the person(s) responsible for keeping the files.

All confidential references and information originating outside the District, and the information obtained within the District in the process of recommending a teacher for employment, shall not be subject to this policy and therefore shall not be available for inspection by the employee.

The employee shall have the right to answer any material filed, and that answer shall be submitted to the person(s) responsible for keeping the files who shall attach it to all file copies. An employee may copy items from their personnel files at a time mutually agreed upon between the superintendent and the employee. The school district may charge a reasonable fee for each copy made.

No other person except school officials while engaged in their professional duties shall be granted access to the personnel file. The contents of such files shall not be divulged in any manner to any unauthorized person.

Legal Ref: 79-539; 48-1230; 84-1201  
Cross Reference: 403.01 Release of Credit Information

Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: April 11, 2005  
Revised: November 8, 2010

Policy 402.07

Transporting of Students for Activities or Special Events by Employees

Generally, transportation of students shall be in a motor vehicle owned by the school district and driven by an employee. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle.

Employees who transport students for school purposes must have the prior permission of the superintendent or designee.

Cross Reference:   402.08       Employee Travel Compensation  
                          801        Transportation

Adopted: April 11, 2005

Policy 402.08

Employee Travel Compensation

District funds may be expended for travel to and attendance at events for which the board has given board approval.

Payment may be made for the actual and necessary expenses incurred by Board members and district staff for travel to and from and attendance at educational meetings, conferences, programs, official functions, hearings or meetings, whether incurred within or outside the boundaries of the district pursuant to the following procedure:

A. For Board Members and Employees

1. For board members, approval by the board president and registration through the office of the superintendent for the board member.
2. For employees, approval by the superintendent and registration through the office of the superintendent for the employee.
3. Expenses remunerated or paid:
  - (a) Registration costs.
  - (b) Tuition costs.
  - (c) Tuition fees or charges.
  - (d) Lodging, if reasonably necessary.
  - (e) Transportation. Mileage paid at the current IRS rate.
  - (f) Costs of registration, transportation, lodging and banquet tickets may be advanced upon request by the Board or staff member.
  - (g) Expenses for which payment has been advanced or reimbursement is requested and is permitted by law shall be paid when the Board or staff member submits a fully itemized voucher or request together with receipts for payments made by the Board of staff member.
  - (h) Payments made for meals and lodging shall be expressly approved by the Board.
  - (i) Expenses of faculty advisors of approved student clubs when the faculty advisor shall be requested to accompany a student or group of students to a regional or national competition for which the student or students have qualified through competition and/or merit.

B. No district funds shall be expended for any expenses incurred by a spouse

of an elected or appointed official, employee or volunteer of the district unless the spouse is also an elected or appointed official, employee or volunteer of the district.

Legal References: Neb. Rev. Stat. 13-2203 and 13-2204

Approved: November 10, 1992

Revised: March 12, 1996

Revised: November 12, 2001

Revised: April 11, 2005

## Policy 402.09

### Credit Cards

The school district may maintain school district credit cards for actual and necessary expenses incurred by employees in the performance of their duties and/or for the purchase of fuel for district transportation vehicles.

Employees and officers using a school district credit card must submit purchase order prior to the use of the credit card except when the credit card is used for fuel. A detailed receipt indicating the date, purpose and nature of the expense for each claim item must be submitted each time a credit card is used. Failure to provide a proper receipt shall make the employee responsible for expenses incurred. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

The superintendent shall be responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations shall include the appropriate forms to be filed for obtaining and using a credit card.

Cross Reference:	206.04	Board Member Compensation and Expenses
	402.08	Employee Travel Compensation

Approved: April 11, 2005

## Policy 402.10

### Recognition for Service

The board shall consider as appropriate the recognition of officials, employees, both certified and non-certified, and volunteers who provide service to the district. The board authorizes the President of the Board or the Superintendent to determine when and to whom plaques, certificates of achievement or other items of value shall be awarded. The cost of such plaques, certificates of achievement or other items of value shall not exceed seventy-five dollars.

Additionally, the board may provide one recognition dinner each year for elected and appointed officials, employees, or volunteers who provide service to the district, provided that the cost per person for such dinner shall not exceed twenty-five dollars.

An annual recognition dinner may be held separately for employees or administration departments, school faculties or for volunteers, or any combination of them if authorized by the board.

Under no circumstances shall the board expend public funds for any expenses incurred by a spouse of an elected or appointed official, employee or volunteer unless the spouse is also an elected or appointed official, employee or volunteer of the district.

Legal References: Neb. Rev. Stat. 13-2203(3)

Approved: July 13, 1992  
Revised: November 15, 1993  
Revised: August 12, 1996  
Revised: November 12, 2001  
Revised: April 11, 2005

## Policy 402.11

### Employee Political Activity

The board recognizes the rights of its employees, as citizens, to engage in political activity, except that no employee of the school district shall solicit support of any political candidate, partisan or non-partisan, or support of any issue on any referendum matter, on or off district property during regular work hours. The use of students for writing or addressing political materials, or the distribution of such materials to or by students is specifically prohibited.

Legal References: Neb. Rev. Stat. 23-3001, 79-838

Approved: October 12, 1992  
Revised: December 11, 1995  
Revised: April 11, 2005

## Policy 402.12

### Communications and Decision Making with Employees

The board desires to maintain open communication channels between itself and the staff. The basic line of communication will be through the superintendent. The superintendent will develop and recommend to the board process for communications between the board and district employees.

In devising rules and procedures for the operation of the schools, administrators will seek the suggestions of those employees who will be affected by such provisions. The professional staff will be given opportunities to contribute to curriculum development and to recommend policies and regulations pertaining to students and instruction.

The superintendent will develop channels for the communication of ideas among staff, administrators and board members and will inform the board of staff opinion when presenting recommendations for board actions. Further, it is expected that all official communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will communicate as appropriate to keep staff fully informed of the Board's concerns and actions.

Approved: April 11, 2005

## Policy 402.13

### Employee Use of District Technology

The district provides staff members and students with access to an electronic computer system (which includes computers, data communications equipment, peripheral hardware, networks, Internet access and software). The purpose of this system is to assist students in preparing for success in life and work by providing electronic access to a wide range of information and the ability to communicate with people throughout the world. The purposes of this system for staff members are to improve the delivery of the district's curriculum, enhance intradistrict communication, and assist in professional development.

The district encourages and supports the use of the electronic computer system in instructional programs and educational activities within legal and ethical parameters. To assure appropriate use of the electronic computer system within the district, the superintendent shall develop rules and procedures regulating the appropriate use of the district's electronic computer system. The district will filter internet access on all district computers.

Leg. Ref. Title XVII - Children's Internet Protection Act

Approved: July 12, 1999

Revised: May 14, 2001

Revised: April 11, 2005

## **APPROPRIATE USE OF DISTRICT COMPUTER SYSTEM**

These regulations shall apply to all users of the District's computer system. The purpose for these rules and regulations is to provide clear guidelines for the use of the district's computer system. Using the District's system shall constitute an agreement on behalf of the user to abide by the provision of these rules and regulations.

### Definitions

"User" shall mean but is not limited to an employee of the Elkhorn Public Schools.

"Computer System" shall mean but is not limited to: hardware, software, network, servers and data.

"Network" shall mean but is not limited to video, voice and/or data networks and peripheral components.

"Data" shall mean but is not limited to any electronic file or hard copy.

### General

The District may restrict or prohibit the use of its computer system in response to any violation of these rules and regulations, other District technology policies, or state or federal laws. Inappropriate use of the District's computer system and violations of these rules and regulations may result in denial of access to the computer system or other disciplinary action up to and including termination of employment. The District will install security and filter systems on all District computers.

### District Electronic Mail

The District will operate an intradistrict communication system via its network (i.e. quickmail or equivalent). All users of the intradistrict communication system will be expected to regularly and promptly access messages (on at least a daily basis).

### Permitted Uses

The District computer system is to be used for educational purposes and District related purposes. Employees before and after normal duty hours and/or during an employee's lunch break, however, may use the computer system for personal use. Personal use shall be construed to be an "employment benefit" and employees shall use the district computer system only in a manner consistent with these rules and regulations and in a manner that such use would not constitute an expense to the district. Users may check out computers (under Policy 1332.1) and provided such equipment is used in a manner consistent with these rules and regulations.

### Prohibited Uses

1. Use which violates statutes, policies, rules and regulations regarding copyright and/or software license agreements.
2. The creation, display, access, transmission, reception, exchange or distribution of any text, image or sound that is indecent, obscene, racist, sexist, threatening, pervasively vulgar, defamatory, illegal, fraudulent or that promotes harm to self or others.
3. Use of the computer system for solicitation or advocacy for commercial, religious, political or any other non-education purpose.
4. Use of computer system which violates local, state, or Federal law. This includes attempts to gain unauthorized access, from within or outside the district, to district or proprietary computer systems including, but not limited to, network file servers or security systems.
5. Introduction, transmission or creation of any computer "virus" using the computer system.
6. Installation of any non-district software or peripheral equipment (e.g. printers, scanners, cameras, zip drives, or external hard drives) into the computer system without first obtaining the written permission of a district technology coordinators and/or the building principal.

### Privacy

The District cannot guarantee user privacy. The computer system is the property of the District and any data or material stored on or in the system may be subject to retrieval and inspection by authorized personnel at any time for any reason connected with official District business. If in the opinion of the building principal and/or district technology coordinator there exists a reasonable suspicion that a violation of the permitted/prohibited uses of the computer system is occurring, the building principal and/or district technology coordinator may request and the Superintendent may authorize an electronic monitoring of

the equipment possibly being used improperly.

The district reserves the right to monitor any usage of district computers, including but not limited to, accessing browser logs, e-mail logs, and any other history of use.

### Web Pages

The use of web pages in the District shall be for educational purposes only and the district reserves the right to control the content of web pages created by or installed on the district computer system. All web sites created with or installed on the district computer system shall adhere to the following guidelines:

1. District Web Site - The District will establish a web site and will develop web pages that will present information about the district. District technology coordinators will be responsible for the creation, updating and maintenance of the District Web Site.
2. School or Class Web Pages - Schools and classes may establish web pages that present information about the school or class activities. The building principal in consultation with the district technology coordinators will designate an individual to be responsible for managing the school web site. Teachers will be responsible for maintaining their class site.
3. Extracurricular Organization Web Pages - With the approval of the building principal, extracurricular organizations may establish web pages.
4. All material placed on web sites shall be reviewed by district technology coordinators and/or building principals periodically to assure the material is accurate, appropriate for the intended audience, and that the material contained on web sites is appropriately attributed.
5. All web sites shall not have outside links unless those links have given prior approval that is in writing and on file in the district technology coordinator's office. No links under any circumstances will be allowed to business-commercial sites or to sites that provide the creation, display, access, transmission, reception, exchange or distribution of any text, image or sound that is indecent, obscene, racist, sexist, threatening, pervasively vulgar, defamatory, illegal, fraudulent or that promotes harm to self or others.
6. No individual student names or pictures are to be published on the web site. Only district and/or school building addresses or telephone numbers may be published. No addresses or phone numbers of individuals will be published on web sites.

Approved: July 12, 1999  
Revised: May 14, 2001  
Revised: July 12, 2004  
Revised: April 11, 2005

## Policy 402.14

### Social Security Numbers

Employee social security numbers shall be kept confidential to the extent required by law. Use of more than the last four digits of an employee's social security number shall be made by the District only for:

Legal Mandates. Compliance with state or federal laws, rules, or regulations.

Internal Administration. Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:

As an identification number for occupational licensing.

As an identification number for drug-testing purposes except when required by state or federal law.

As an identification number for District meetings.

In files with unrestricted access within the District.

In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.

For posting any type of District information.

Voluntary Transactions. Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services.

The District will not use or require an employee to use more than the last four digits of an employee's social security number District for:

Public Posting or Display. Any public posting or display available to the general public or to an employee's coworkers.

Internet Transmission. Transmission over the Internet unless the connection is secure or the information is encrypted.

Internet Access. To access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site.

Identifier. As an employee number for any type of employment-related activity.

Full implementation of this Policy shall occur by September 1, 2008.

Legal Reference:     Laws 2007, LB 674  
                              5 USCS § 552a (note) (Privacy Act of 1974)

Adopted:     September 10, 2007

### **403 Employees and Outside Relations**

Policy 403.01

Release of Credit Information

The following public record information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice. All other information shall be considered confidential information about the employee. Confidential information will be released to an inquiring creditor only with a written authorization from the employee.

Cross Reference:     402.06     Employee Records

Adopted:     April 11, 2005

## Policy 403.02

### Child Abuse or Neglect

School employees who have reasonable cause to suspect a child is a victim of abuse or neglect, or who observed conditions which reasonably would result in abuse or neglect, shall report such incidents to the proper authorities. The superintendent is charged with developing and implementing procedures to ensure the proper reporting and information of all child abuse and/or neglect incidents.

Legal Reference: Neb. Statute 28-7111

Approved: September 14, 1992

Revised: August 12, 1996

Revised: April 11, 2005

## Policy 403.03

### Gifts to Employees

Individual gifts and solicitation of contributions for gifts to district employees are discouraged. No district employee is to receive any personal gifts, compensation, commission, expense-paid trips, or anything of significant value from individuals or companies supplying equipment, services, or materials required in the operation of the district. Only by permission of the superintendent may exceptions be made. Employees may not accept anything more than a nominal gift from students of parents of students who may wish to show their appreciation.

Approved: September 14, 1992

Revised: September 12, 1996

Revised: April 11, 2005

## Policy 403.04

### Public Complaints About Employees

The board recognizes situations may arise in the operation of the school district that are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

While speakers may during public meetings offer objective criticism of school operations and programs, the board will not hear personal complaints concerning district personnel nor against any person connected with the school system unless that complaint is an agenda item having followed the process described below. To do so may prejudice any necessity for the board to act as the final arbiter of administrative recommendations regarding the matter. The board president will direct the patron to the appropriate means for board consideration and disposition of legitimate complaints involving individuals.

Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the board. The board will not hear charges against employees in open session unless an employee requests an open session.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board consideration however, the following should be completed:

Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.

Unsettled matters from (1) above or problems and questions about individual attendance centers should be addressed to the employee's building principal.

Unsettled matters regarding certificated employees from (2) above or problems and questions concerning the school district should be directed to the superintendent.

If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president for inclusion on the board agenda of a regularly scheduled board meeting in accordance with board policy 204.10.

Cross Reference: 204.10 Agenda

Adopted: 204.12 Public Participation at Board Meetings  
April 11, 2005

## Policy 403.05

### Employee Outside Employment

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It shall be the responsibility of the superintendent to counsel employees, whether full-time or part-time, if, in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

Cross Reference: 402.03 Employee Conflict of Interest  
409.04 Certificated Employee Tutoring

Adopted: April 11, 2005

## **404 Employee Health and Well-Being**

Policy 404.01

### **Employee Injury on the Job**

When an employee becomes seriously injured on the job, the building principal shall notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee shall be turned over to the care of the employee's family or qualified medical authorities as quickly as possible.

It shall be the responsibility of the employee injured on the job to inform the superintendent within twenty-four hours of the occurrence. It shall be the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It shall be the responsibility of the employee to file claims, such as workers' compensation, through the central administration office.

Cross Reference:	404	Employees' Health and Well-Being
	410.02	Certificated Employee Personal Illness Leave
	412.09	Support Staff Vacations, Holidays and Leave

Adopted: May 9, 2005

## Policy 404.02

### Injury and Hazard Prevention

Elkhorn Public Schools has the utmost concern for the safety and well being of its students, employees and guests. The district shall maintain an injury and hazard prevention plan that addresses the needs of students, staff members and guests at all district buildings and is in accordance with applicable state and federal law and regulations.

A safety committee comprised of management personnel and employee group representatives will be maintained. Procedures for this committee will be developed and administered by the Assistant Superintendent for Business Affairs.

Legal Reference: Nebraska Statutes 48-443 to 48-446, Revised 1993  
Nebraska Regulation: Title 230 (Dept. of Labor - Chapter 6)

Adopted: August 12, 1996  
Revised: May 9, 2005

## Policy 404.03

### Communicable Diseases - Employees

If an Elkhorn student or staff member is diagnosed as having a chronic infectious disease, the following guidelines will be followed. Chronic infectious diseases are those diseases which are carried throughout life by the infected person and have the potential to be transmitted. Chronic infectious diseases include, but are not limited to, Acquired Immune Deficiency Syndrome (AIDS), Aids Related Complex (ARC), Cytomegalovirus (CMV), Herpes Simplex Virus (HSV), and Human Immunodeficiency Virus (HIV).

All reasonable attempts will be made to ensure that any person with a chronic infectious disease retains rights of confidentiality and privacy. Information and discussion with regard to the case will be limited to those who must have the information to deal with the situation. If necessary, the community will be informed that a chronic infectious disease is present in the District and that the person will be excluded only if the situation warrants based upon medical and legal advice. No information will be given out about the individual, the specific medical record, or about the family without the written permission of the individual or, in the case of a student, parent/legal guardian.

Parents or guardians of a student with a chronic infectious disease shall be responsible for reporting the student's condition to school personnel when enrolling the student or upon diagnosis of the condition if the student is already enrolled. A student with a chronic infectious disease shall be sent home immediately and the student's parents or guardians and the Superintendent shall be notified. (Nebraska Revised Statutes 79-264) A student with a chronic infectious disease will remain out of school until a determination on appropriate school placement can be made, which determination shall be made within five school days of removal unless otherwise agreed upon by the parents or guardian of the student and the school. Employees of the District who have been diagnosed as having chronic infectious disease shall report this information in a confidential manner to the Superintendent. An employee with a chronic infectious disease shall be removed from duty (with pay) by the Superintendent until an appropriate determination as described below can be made.

The determination of whether or not an infected student or employee of the District should be permitted to attend classes, participate in school activities or remain on the job will be made on a case by case basis within five (5) school days of when the student or employee was removed from school. A team composed of a contracted school nurse, school medical advisor (Superintendent appointed, Board approved, medical doctor or public health official), school principal or District administrator, and the infected individual's physician will make the determination taking into consideration the following factors:

1. The behavior, neurological development and physical condition of

the infected person.

2. The expected type of interaction with other staff and/or students in the school setting.
3. The impact on both the infected person and others in that setting.

The determination of whether or not an infected person remains in the District will be based solely on scientific and medical evidence and, in long term cases, will be reviewed monthly. Legal advice will also be sought by the district, when necessary to protect the rights of all parties.

If a determination is made that an infected person poses an imminent threat to the health and safety of the school community or the individual's conduct or condition presents a clear threat to the physical safety of the individual or others then with respect to an infected student Nebraska Revised Statutes Section 79-264 will be followed concerning exclusion from school. With respect to an infected student or staff member of the District, existing Board policies on separation, reassignment, transfer and leave of absence will be followed. In the case of an infected certificated employee the provisions of Nebraska Revised Statutes, Section 79-838, will be followed with respect to a leave of absence.

If an infected student in grades K through 12 is not permitted to attend classes, the District will make every reasonable effort to provide the student with an appropriate alternative education. An ongoing effort will be made to educate and inform students, parents, school personnel and community members about the transmission and symptoms of chronic infectious diseases. Inservice education of school personnel should ensure that all personnel have proper and current information on appropriate measures to prevent the spread of all communicable diseases. All reasonable attempts will be made to ensure that staff and students follow District procedure to prevent the spread of communicable diseases.

Legal Ref: 79-264, 79-838  
Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: May 9, 2005

## Policy 404.04

### Bloodborne Pathogens

The district will strive to eliminate or minimize occupational exposure to bloodborne pathogens including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV). The superintendent will develop procedures designed to protect employees and children in the district. Such procedures shall include current legal and medical advice from the Nebraska Department of Education and the Nebraska Department of Health.

The district will establish and maintain a written exposure control plan including the following: exposure determination, training of employees, Hepatitis B Vaccination, occupational exposure, post exposure evaluation and follow-up, record keeping, and control methods.

Approved: October 10, 1995

Revised: May 9, 2005

## **PROCEDURES FOR COMMUNICABLE DISEASE CONTROL**

1. Children who are obviously ill or who are known to have a communicable disease shall not attend classes during the course of an illness. (Nebraska Statutes 79- 264)

2. A student exhibiting any of the following symptoms may have a contagious or infectious illness and may be excluded from the classroom until the nature of the illness is known:

Fever, flushed face, headache, aches in muscles or joints, unexplained tiredness or listlessness, loss of appetite, stomach ache, nausea or vomiting, diarrhea, unexplained skin eruptions, sore throat or inflamed eyes.

3. Students excluded for a confirmed communicable disease should not be allowed to return to school until the minimum isolation period has been lapsed and all signs and symptoms of illness have disappeared. Minimum isolation periods are shown on the Classroom Communicable Disease chart which reflects current public health practices as defined by the Director of Health, Department of Health, State of Nebraska. Physician documentation for readmission to the classroom may be requested.

The aforementioned illnesses are not meant to be an all inclusive list of contagious or infectious diseases which would necessitate a student being excluded from classes for a period of time.

Specific recommendations and medical precautions for a particular student/situation will be developed on a case by case basis. If it becomes necessary to develop a more definitive approach, the child's physicians, other medical consultants, Health Department personnel, Nebraska Department of Education officials and local school administrators will review all available medical and educational information.

Elkhorn Public Schools personnel shall maintain confidentiality of all students' medical histories including communicable diseases. Personnel are encouraged to review information on file in the Superintendent's office which deals with communicable disease and the implications for school personnel.

Elkhorn Public Schools personnel who have special health considerations (i.e., pregnancy, immunosuppressed condition, etc.) are responsible to share that information with their supervisor so that assignments can be adjusted as necessary.

## **ELKHORN PUBLIC SCHOOLS**

### **EXPOSURE CONTROL PLAN**

#### **A. EXPOSURE DETERMINATION**

The administration will identify classifications of employees who in performance of their duties may have:

1. Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other infectious materials such as blood, internal body fluids and body fluids visibly contaminated with blood.
2. Reasonably anticipated contact with all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

In addition to being reasonably anticipated, the contact must result from the performance of the employee's duties. Individual job duties will be considered when determining those employees at risk.

"Employee" shall mean an employee of Elkhorn Public Schools or a student teacher/therapist assigned to and under the supervision of Elkhorn Public Schools.

#### **B. CONTROL METHODS**

Universal precautions (UP) are practices and procedures established to assist in the prevention of contact with blood and other body fluids. Although the risk of exposure to bloodborne pathogens (Human Immunodeficiency Virus and Hepatitis B) in the educational setting is low, safe work practices require the assumption that all blood or body fluids be considered potentially infectious (blood, cerebral spinal fluid, amniotic fluid, semen, vaginal fluids, any fluid containing blood, feces, urine, vomitus, drainage from wounds, respiratory secretions and saliva).

The following safe work practices and engineering controls are identified to protect students and employees from exposure to blood and body fluids which could potentially cause infectious disease.

#### **Hand washing**

Hand washing is thought to be the most important procedure in preventing the spread of infection.

Hands should always be washed when:

1. Hands are soiled.
2. Handling or preparing food.
3. Eating.
4. Blowing or wiping nose.
5. Using toilet, assisting students with toileting needs or diapering.
6. Coming in contact with contaminated equipment.
7. Skin contacts blood or body fluids.
8. After gloves are removed.

Proper hand washing procedures are:

1. Wet hands with warm water.
2. Apply soap, lather hands and wrists.
3. Scrub all surfaces of the hand, between fingers, under fingernails for a minimum of 15 seconds keeping hands and fingers pointed down.
4. Rinse hands and wrists thoroughly with warm water, allowing water to flow from wrist down.
5. Dry hands well with air dryer or single-use paper towel, turning off faucet using towel before discarding to prevent recontamination.

## **Barriers**

When possible, direct contact with blood and body fluids should be avoided. Barriers reduce the risk of contact as well as control the spread of infections between individuals.

1. Wear disposable gloves when in direct contact with blood or body fluids, handling soiled clothing or equipment, toileting children, when regularly exposed to a student's saliva or oral cavity or when working with students who have uncovered bloody skin surfaces (i.e., as a result of self-mutilating behaviors). If unanticipated contact occurs, wash hands immediately following contact. Gloves should be removed without touching the outside or other objects. Dispose after each use.
2. Utility gloves may be decontaminated for reuse if the integrity of the glove is not compromised. They should be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration.
3. During Cardiopulmonary Resuscitation (CPR) procedures, the use of a one-way protective shield is recommended.

### **Blood and Other Potentially Infected Material Spill Cleanup**

1. Wear disposable gloves. Do not reuse disposable gloves.
2. Use disposable (paper) towels and other absorbent materials to absorb spills.
3. Clean spill area with soap and water.
4. Utilize proper disinfectant utilizing a 1:10 ratio for household bleach solutions or other Environmental Protection Agency (EPA) registered disinfectants.
5. Rugs contaminated with body fluids may be cleaned by using a sanitary absorbing agent. Allow to dry as directed. Vacuum or mechanically remove with dust pan and broom; apply rug shampoo (containing germicidal detergent and revacuum.
6. Dispose of waste (gloves, paper towels, etc.) in leakproof plastic bag.
7. Clean and disinfect reusable equipment.
8. Wash hands thoroughly with warm water and soap.

### **Cleanup of Objects Contaminated With Blood or Other Potentially Infected Material (i.e., athletic equipment)**

1. Wear disposable gloves. Do not reuse disposable gloves.
2. Discard contaminated items that cannot be cleaned or disinfected into lined container.
3. Wash objects using warm water and general purpose cleaner.
4. Disinfect the object using EPA approved disinfectant or 1:10 ratio household bleach solution.
5. Dispose of contaminated cleaning materials in leakproof plastic bag.
6. Wash hands thoroughly with warm water and soap after gloves are removed.

### **First Aid/Health Care**

Whenever possible and appropriate, employees should practice self-management of injuries and should teach students the same. The principle of self-management includes self treatment, cleaning and disposing of contaminated materials to avoid contact by a second party.

When that is not possible:

1. Wear gloves.
2. Use paper toweling or gauze pads to wipe injury and, if appropriate, allow student to rinse injury with running water.

Admin. Rules and Proced. - Policy 404.04 Continued

3. Place soiled materials in a waste container that is plastic bag lined.
4. Soiled clothing should be removed and placed into a plastic bag, secured, and sent home.
5. Assist in cleaning affected area and applying bandage as necessary.
6. Dispose of gloves along with other soiled materials in plastic lined waste container, secured, and disposed of properly.
7. Wash hands thoroughly after removing gloves.

Regulated wastes are defined by Occupational Safety and Health Act (OSHA) as liquid or semi-liquid blood or other potentially infectious materials and caked dried blood capable of releasing the waste if compressed. If regulated waste is generated, it must be properly bagged, labeled, and disposed of.

Eating, drinking, applying cosmetics or lip balm, and the handling of contact lenses should be prohibited in areas where there is a reasonable likelihood of occupational exposure.

### **Contaminated Sharps (broken glass, needles, lancets, knives, blades)**

1. Tongs or dustpan and broom should be used to pick up contaminated sharps such as blood-covered broken glass to avoid direct contact.
2. Gloves should be worn when handling contaminated sharps.
3. Needles, lancets and other contaminated sharps should not be bent, recapped or removed.
4. Sharps should be placed in puncture-resistant, labeled, leak proof container, able to be closed after each use.
5. Sharps containers should be disposed of properly.

### **Clothing/Laundry**

Clothing and other non-disposable items soaked with body fluids should be placed in plastic bags. If rinsing or presoaking is needed, wear gloves. If washing clothes contaminated with body fluids, clothes should be washed separately from other items. Wash as usual, add 1/2 cup bleach to wash cycle if bleachable. Add 1/2 cup non-chlorine bleach if unbleachable.

### **Diaper Changing Procedure**

1. Wear disposable gloves.
2. Place student on a clean changing table using waterproof pad with clean paper towels for each change.
3. Remove the soiled diaper and place in a plastic bag.
4. If other clothing is soiled, place in a plastic bag and mark with the child's name.
5. Clean skin in diaper area using individual disposable wipes or other cleansers provided by parents when special consideration to skin cleansing is needed for an individual student and apply clean diaper.
6. Wash pad after each change with soap and water and follow with household bleach solution or EPA approved disinfectant.
7. Remove gloves and place in plastic bag.
8. Wash hands with soap and water before and after diaper change.
9. Never leave child unattended on the changing area.
10. Supplies should be stored close to the changing area and out of the child's reach.
11. Report any abnormal conditions (blood or pus in diaper area, diarrhea, light colored stools, skin rashes, bruises or breaks in the skin) to the child's teacher.

### **Toy Sanitation Technique**

If children drool on mouth toys, special consideration for the sanitation of the toys should follow:

1. Sanitize by putting through a dishwasher cycle.
2. If dishwasher is not available, wear gloves and wash toys with soap and water.
3. Rinse with hot water.
4. Disinfect in a 1:100 bleach solution 10 minutes.
5. Air dry.

### **Dish washing Sanitation Technique**

If it should be necessary to wash dishes in the classroom the following should be followed:

1. The dish washing area should be separate from the hand washing area.
2. Dish pans should be used.
3. Wash in hot soap and water.
4. Rinse with hot water.
5. Soak in a 1:100 bleach solution 10 minutes.
6. Drain and air dry.

### **Disinfectants**

1. All cleaning supplies must be kept in labeled containers.
2. All cleaning supplies must be kept out of the reach of students in locked cabinets.

Admin. Rules and Proced. - Policy 404.04 Continued

3. Custodial staff will follow guidelines from their department as relates to disinfectants.
4. If household bleach water is used as disinfectant, it must be mixed daily.
5. Ratio of bleach to water for disinfectant solution = 1:10. A ratio of 1:100 bleach solution is considered an intermediate cleaning solution.

### **C. HEPATITIS B VACCINATION**

The Hepatitis B vaccination series will be offered, at no cost, to all identified employees whose jobs involve the risk of directly contacting blood or other potentially infectious materials.

1. The vaccination will be made available after the employee has received the required training and within 20 working days of work assignment, unless,
  - a. The employee has previously received the complete Hepatitis B vaccination series.
  - b. Antibody testing has revealed that the employee is immune.
  - c. Vaccine is contraindicated for medical reasons.
  - d. The employee chooses to decline the Hepatitis B vaccination.
2. Vaccination shall be given under the supervision of a licensed health care professional.
3. The employee may decline the Hepatitis B vaccination (statement must be signed) at the time it is offered but at a later date decide to accept the vaccination.

### **D. OCCUPATIONAL EXPOSURE**

Occupational exposure relates to the reasonable anticipation that blood or other infectious body fluids will come in contact with an employee's mucous membranes (eye, nose, mouth), skin, or through parenteral contact (skin piercing) while performing job duties.

If an exposure would occur by staff or student, the following should occur:

1. Wash exposed area immediately with soap and water.
2. If mucous membrane, irrigate or wash thoroughly.
3. Report exposure immediately.
  - a. If student, notify parent or guardian. Medical provider

- should be consulted.
- b. If employee, report immediately to administration.

#### **E. POST-EXPOSURE EVALUATION AND FOLLOW-UP**

Following the report of an exposure incident, Elkhorn Public Schools will make a confidential medical evaluation and follow-up available to the exposed employee. This evaluation and follow-up will:

1. Be made at no cost to the employee.
2. Be made available at a reasonable time and place.
3. Be performed by a licensed physician or trained health care professional.
4. Document the exposure incident including identification and documentation of source individual.
5. Provide health care professional a copy of the 29 CFR 1910.1030 regulation and other required information.

#### **F. TRAINING OF EMPLOYEES**

Elkhorn Public Schools will require all employees to participate in a training program. The training program will:

1. Be provided at no cost during work hours.
2. Occur annually, within one year of the previous training.
3. Be conducted by an individual knowledgeable in the subject area.
4. Contain the following elements:
  - a. An accessible copy of the regulation and explanation of its contents.
  - b. A general explanation of the epidemiology and symptoms of bloodborne pathogens.
  - c. An explanation of the modes of transmission of bloodborne pathogens.
  - d. An explanation of the exposure control plan and how employees can obtain a copy.
  - e. An explanation of appropriate methods for recognizing tasks and other activities that may involve exposure.
  - f. An explanation of the use and limitations of methods that will prevent or reduce exposure.
  - g. Information on the types, proper use, location, removal, handling and disposal of equipment and contaminated materials.
  - h. Information on the Hepatitis B vaccine, including efficacy, safety, method of administration, benefits, and the conditions under which it is offered, free of charge, to employees.
  - i. An explanation of the procedure to follow if an exposure incident occurs including information on post exposure and follow-up.

- j. An opportunity for questioning the individual conducting the training session.

Admin. Rules and Proced. - Policy 404.04 Continued

Training records will contain the following information and be maintained for 3 years from the date training occurs:

- a. Dates of the training sessions.
- b. Contents or a summary of the training sessions.
- c. Names and qualifications of persons conducting the training.
- d. Names and job titles of all persons attending the training sessions.

#### **G. RECORD KEEPING**

An immunization record will be maintained for each employee with occupational exposure. This record will be kept in their personnel file. This record will include:

1. Demographic Data (name and social security number)
2. Documentation regarding Hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records.
3. A copy of all results of examinations, medical testing, and follow-up procedures.
4. A signed consent form or refusal to participate form pertaining to the Hepatitis B vaccination.

All materials will be kept confidential and not disclosed or reported without the employee's express written consent. Documentation of personnel participation in the training program will be maintained as well.

#### **H. POST EXPOSURE REPORT**

Occupational exposure related to the reasonable anticipation that blood or other infectious body fluids will come in contact with an employee's mucous membranes (eye, nose, mouth), skin, or through parenteral contact (skin piercing) while performing job duties. Should an exposure occur, the following procedure should be followed:

1. Wash the exposed area immediately with soap and water.
2. If mucous membrane, irrigate or wash thoroughly.
3. Report exposure immediately:
  - a. If student  
Notify parent or guardian.

work  
that  
are

b. Recommend consultation with medical provider.  
If employee  
Report incident immediately to administrator.  
Complete worker's compensation form as this is considered a  
related incident/accident.  
Complete post exposure form  
Consult with personal medical provider. It is recommended  
you consult directly with your physician since many clinics  
unfamiliar with occupational exposure incidents.  
Medical evaluation should occur within 24 hours to facilitate  
appropriate treatment promptly.

**I. FORMS** - The following forms are to be used to implement Policy 404.04:  
1 Exposure Determination, 2 Description of Exposure Incident, 3 Hepatitis B  
Vaccine - Decline, 4 Hepatitis B Vaccine - Informed Consent, 5 Hepatitis B  
Vaccine - Physician Approval, 6 Exposure Incident Follow-up, and 7 Training  
Program

**ELKHORN PUBLIC SCHOOLS**

**EXPOSURE DETERMINATION**

Job Classifications - all employees have occupational exposure

Early Childhood Educators  
Homebased  
Centerbased

Early Childhood Paraeducators

School Age Resource Teachers and Paraeducators

Custodial Staff

Food Service

Job Classifications - **some** employees have occupational exposure

Speech Pathologists

Psychologists

Van Drivers

Other Support Personnel

Tasks and Procedures in which occupational exposure occurs

etc.) management of urine, feces (diaper changing, toileting skills,

management of vomitus  
management of wounds  
management of respiratory secretions  
management of post-surgical procedures (g-tube,  
tracheotomy, intubation)  
management of mucous membranes  
management of saliva  
management of equipment/manipulatives/toys  
behavioral management - bites, scratches, etc.  
oral manipulation/examination/stimulation and/or feeding

physical transfer

**FORM 2**

**ELKHORN PUBLIC SCHOOLS**

**DESCRIPTION OF EXPOSURE INCIDENT**

Describe the circumstances under which exposure occurred (include date, time, location, site of exposure and resulting injury if appropriate).

---

Date and time of report

---

Signature of Employee

**ELKHORN PUBLIC SCHOOLS**

**HEPATITIS B VACCINE DECLINE**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. However, **I decline Hepatitis B vaccination at this time.** I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Name: \_\_\_\_\_ (Please Print)

Employee Signature: \_\_\_\_\_

Employee Job Title: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_

**ELKHORN PUBLIC SCHOOLS**

**HEPATITIS B VACCINE  
INFORMED CONSENT**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself. I hereby authorize my employer to vaccinate me against Hepatitis B virus (HBV). I understand that the injections are given over a period of months before they are effective in preventing this disease.

Employee Name: \_\_\_\_\_ (Please Print)

Employee Signature: \_\_\_\_\_

Employee Job Title: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_

**ELKHORN PUBLIC SCHOOLS**

**HEPATITIS B VACCINE  
PHYSICIAN APPROVAL**

I understand that due to the below mentioned employee's potential occupational exposure to blood or other potentially infectious materials he/she may be at risk of acquiring Hepatitis B virus (HBV) infection. I authorize Elkhorn Public Schools to immunize this employee against the Hepatitis B Virus (HBV).

Employee Name: \_\_\_\_\_ (Please Print)

Employee Signature: \_\_\_\_\_

Employee Job Title: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_

Physician Name: \_\_\_\_\_ (Please Print)

Physician Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**ELKHORN PUBLIC SCHOOLS  
EXPOSURE INCIDENT FOLLOW-UP**

Employee:

Employee Social Security Number:

Exposure Incident Date:

Exposure Incident Form Completed Date:

Exposure Incident Form to Administration Date:

Medical Evaluation Date:

Information Sent to Health Care Professional Date:

Employee Medical Tests Completed Date:

Source Individual Medical Tests Completed Date:

Written Report From Health Care Provider Received Date:

Hepatitis B Vaccine Given Date:

Exposure Incident Reviewed Date:

**ELKHORN PUBLIC SCHOOLS**  
**BLOODBORNE PATHOGENS TRAINING PROGRAM**

Date/Time:

Content of Training Session:

Trainer/Title:

Attendees / Job Title / Social Security Number

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

## Policy 404.05

### Harassment

The district is committed to an environment that is free from discrimination and unlawful harassment.

#### Harassment Defined

Harassment consists of unwelcome conduct, whether verbal, written or physical, that is based upon a person's protective status, such as sex, race, color, religion, national origin, age disability or any other category protected by law. The district will not tolerate discriminatory or harassing conduct that affects tangible job benefits, unreasonably interferes with work effectiveness or educational progress, or creates an intimidating, hostile or offensive environment.

Sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature explicit or implied when (1) submission to such conduct is made either a term or condition of an individual's employment or if a student, progress in school, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working or learning environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, jokes, obscene language or gestures, displays of obscene material and physical conduct.

#### Complaint Procedure

All employees of the district are responsible for reporting incidents of discrimination or unlawful harassment.

1. If an individual believes that they have experienced or witnessed such conduct within the district, he or she should immediately report the matter to the Principal or the Assistant superintendent. All reports will be handled in a timely and confidential manner.
2. Upon receiving a complaint of discrimination or unlawful harassment, a prompt, thorough and impartial investigation will be conducted. To the greatest extent practicable, the district will keep the complaint and the terms of resolution confidential.

3. Upon conclusion of the investigation, the district will take prompt and effective remedial action if it determines that discrimination or unlawful harassment has occurred. Any employee found to have engaged in discrimination or unlawful harassment will be subject to appropriate disciplinary action, up to and including immediate discharge.

Employees who in good faith report discrimination or unlawful harassment or participate in the investigation will not be subject to retaliation or reprisals as a result of reporting the matter or providing testimony. It is the policy of the district to encourage discussion of the matter and to help protect others from being subjected to similar inappropriate behavior.

#### Disciplinary Action

Any employee found to have engaged in discrimination or unlawful harassment will be subject to appropriate disciplinary action, up to and including immediate discharge, or suspension and/or expulsion if the offender is a student.

Employees who report discrimination or unlawful harassment or participate in the investigation will not be subject to retaliation or reprisals as a result of reporting the matter or providing testimony. It is the policy of the district to encourage discussion of the matter and to help protect others from being subjected to similar inappropriate behavior.

Legal Reference: 42 U.S.C. 2000e et seq. (1994)  
29 C.F.R. Pt. 1604.11 (1996)  
Cross Reference: 505 Student Discipline

Approved: November 10, 1992  
Revised: May 9, 2005  
Revised: May 11, 2009  
Revised: November 14, 2011

## Policy 404.06

### Substance Free Workplace

Since a primary concern of the district is the health of the students and employees, a smoke free environment will be administered within the district. The board expects the school district and its employees to remain substance free.

All district-owned school buildings, facilities, surrounding grounds and vehicles will be designated as smoke free. The use of any form of tobacco will be prohibited. Additionally, no employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law.

"Workplace" includes school district facilities, premises and vehicles.

"Workplace" also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity such as field trips or athletic events.

Appropriate signs will be placed at the entrances to all buildings and facilities advising all persons that smoking or the use of tobacco in any form is prohibited.

Employee violations of this policy could lead to disciplinary action. It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

Legal Reference: P.L. 101-126, Drug-Free Schools and Communities Act  
Amendments of 1989  
41 U.S.C. 701-707 (1994)  
34 C.F.R. Pt. 86 (1996)

Adopted: August 12, 1996

Revised: May 9, 2005

### Substance Free Workplace Rule

This rule prohibits the unlawful possession, use, or distribution of alcohol, the possession, use, or distribution of illegal drugs, or the misuse of prescription drugs by employees while the employees are on school district property or at a school district-sponsored student event, or at any activity in which the district or other school districts participate and students are present.

The rule applies to all employees of the school district, certificated and non-certificated, tenured and non-tenured. Any violation of the rule can result in the disciplinary action set forth in this rule.

The rule applies to the manufacture, distribution, delivery, or possession of illegal drugs or illegal drug paraphernalia, or the use of illegal drugs, "look-alike" drugs and drug paraphernalia, or alcohol.

The following are the definitions for application of this Rule:

1. Illegal Drugs - (1) controlled substances as defined in Neb. Rev. Stat. sections 28-401, 28-405 (Cum. Supp. 1988), and 28-419 (Reissue 1985) including but not limited to "uppers", "downers", barbiturates, marijuana, amphetamines, LSD, heroin, hashish, hallucinogenics or cocaine, and any metabolite or conjugated form thereof, (2) substances such as glue, to the extent any such substance is used for the purpose of mood or behavior alteration, and (3) any substance which alters the mood or behavior and which is not taken for medical purposes under a prescription by a licensed physician.

2. Alcohol - any substance subject to the jurisdiction of the Nebraska Liquor Control Commission and those beverages and alcoholic liquors defined in Neb. Rev. Stat. section 53-103 (Supp. 1989).

3. Distribution - any delivery, sale, transfer, handling, transmitting, administering, giving, or otherwise making available, alcohol, drugs, illegal drugs, look-alike drugs or drug paraphernalia unless required of the employee in the performance of his or her official duties as an employee of the district or unless so lawfully ordered by a licensed physician.

4. Drug Paraphernalia - all equipment, products, and materials of any kind which are used, intended for use, or designed to use, in manufacturing, injecting, ingesting, inhaling, or otherwise introducing drugs into the human body.

5. "Look-alike" Drugs - any substance that is not a drug under this Rule, but which, by the appearance (color, shape, size, markings, etc.) would lead a reasonable person to believe that the substance is an illegal drug.

6. Employee Assistance Programs - consist of any drug and alcohol counseling and rehabilitation and reentry program available to employees either by or through the District or through any organization.

#### Standards of Conduct - Prohibitions

##### A. Drugs

Employees of the Elkhorn School District shall not:

1. Be present on school district property, at any school district activities or report to work under the influence of any illegal drug.

2. Manufacture or distribute any illegal drug, look-alike drug, or drug paraphernalia while on district property, at a district-sponsored student event, or at an activity in which the district or other school districts participate and students are present.

3. Use or possess any illegal drugs, look-alike drugs, or drug paraphernalia while on property of the Elkhorn School District or at any activities of the Elkhorn School District.

4. An employee shall be deemed in possession of illegal drugs, look-alike drugs, or drug paraphernalia if the employee has illegal drugs, look-alike drugs, or drug paraphernalia on his or her person or under his or her control.

5. No employee shall take any medication, whether prescribed or non-prescribed, which may interfere with the safe and/or effective performance of his or her duties without advising his or her supervisor before beginning work of the intention to take and the taking of the medication. Use or possession of medically prescribed drugs or medications pursuant to the prescription by a licensed physician is not a violation of this policy; provided, however, that the use or taking of any medically prescribed drugs not in accordance with the prescription by a licensed physician is a violation of this policy.

### Disciplinary Sanctions

Any employee violating any of the Standards of Conduct shall be subject to any or all of the following disciplinary sanctions:

1. A reprimand, either written or oral.
2. Suspension without pay.
3. Referral to an Employee Assistance Program.
4. Termination of employment or non-renewal of contract.

The imposition of the Disciplinary Sanctions shall be consistent with local, state, and federal law and the school district may refer violations of Standards of Conduct to civil authorities for prosecution.

All Disciplinary Sanctions shall be administered to provide for due process in procedures imposing Disciplinary Sanctions.

### Standards of Conduct

#### B. Alcohol

Employees of the Elkhorn School District shall not:

1. Be present on school district property or any school district activities or report to work while under the influence of alcohol or being in a condition of evidencing or giving the appearance of use of alcohol.
2. Use or possess alcohol or beverages which contain alcohol while on district property, at a district-sponsored student event, or at an activity in which the District or other school districts participate and students are present.
3. Distribute alcohol or beverages containing alcohol to students of the Elkhorn school district while either on district property, at a district-

sponsored student activity, or an activity in which the district or other school districts participate and students are present.

4. The employee shall be deemed in possession of alcohol or alcoholic beverages if the employee has alcohol or alcoholic beverages on his or her person or under his or her control.

### Disciplinary Sanctions

Any employee violating any of the foregoing Standards of Conduct shall be subject to any and all of the following Disciplinary Sanctions:

1. A reprimand, either written or oral.
2. Suspension without pay.
3. A referral to any Employee Assistance Program.
4. Termination of employment or non-renewal of contract.

The imposition of Disciplinary Sanctions shall be consistent with local, state, and federal law and the School District may refer violations of Standards of Conduct to civil authorities for prosecution.

All Disciplinary Sanctions shall be administered in accordance with all laws provided for due process.

#### C. Non-compliance With Employee Assistance Programs

Employees of the Elkhorn school district shall fully comply with and successfully complete the treatment directed by the district's Employee Assistance Program when the employee is being disciplined for drug use or alcohol abuse.

An employee who is disciplined for drug use or alcohol abuse and is not terminated shall be referred to the district's Employee Assistance Program for assessment, counseling treatment, rehabilitation and reentry.

The employee shall be required to execute the necessary releases so that the Employee Assistance Program may inform the district as to whether such employee is in compliance with the directed treatment. Failure on the part of the employee to execute the necessary releases of information or failure to comply with the directed treatment shall be considered insubordination and new and separate grounds for disciplinary action up to and including termination.

#### D. Criminal Convictions

Any district employee convicted under federal, state, or local law in any crime relating to the use, possession, or distribution of any illegal drugs or distribution of alcohol to minors may be subject to disciplinary sanctions as are applicable to the other Standards of Conduct dealing with alcohol or drugs.

#### E. Procedures

An employee suspected of being in violation of this Rule shall be interviewed by his or her immediate supervisor or administrator as soon as possible to determine whether the employee is in violation of this Rule or any provisions of this Rule. If possible, the immediate supervisor or administrator will summon a second supervisor or administrator to be present at the interview and to assist in the determination.

If the supervisor or administrator determines that the employee is in violation of any provision of this Rule, the supervisor or administrator shall immediately suspend the employee with pay from his or her duties. The employee shall be provided a written statement specifically stating why the employee is being suspended. The Notice shall

contain a written acknowledgment signed by the employee that the employee (a) agrees with the determination that he or she is in violation of this Rule; or (b) understands the determination that is being made by the supervisor, but does not agree with that determination.

The supervisor or administrator shall immediately notify the superintendent of the action taken. The superintendent shall undertake such additional investigation as may be necessary, and shall provide the employee with a written statement within two school days specifically stating:

1. What additional action, other than being suspended from duties, if any, will be taken in accordance with this rule;
2. The date the employee may return to his or her regular duties;
3. The employee's due process rights and time limits to appeal.

At all times, all district employees shall make every reasonable effort to ensure that any employee who is suspected of being under the influence of drugs and/or alcohol does not operate a motor vehicle unless able to do so safely and lawfully. Should an employee refuse to cooperate, and attempt to operate a motor vehicle when he or she cannot operate it safely or lawfully, law enforcement officials shall be immediately notified

ACKNOWLEDGMENT AND RECEIPT

Pursuant to federal statute, Public Law 101-226, the undersigned hereby acknowledges receipt of the Personnel Drugs and Alcohol Use Policy and Rules issued by the Elkhorn School District to employees of the Elkhorn School District and hereby acknowledges and agrees that the conditions set forth are conditions of employment by the undersigned with the Elkhorn School District.

The undersigned acknowledges that the Elkhorn School District prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or at School District-sponsored student events or at an activity at which the District or other school districts participate and students are present and any violation of that standard subjects an employee to disciplinary sanctions including termination of employment.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

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Signature of Employee

## Policy 404.07

### Disclosure and Protection of Employee Health Information

The district will comply with all regulations regarding privacy and confidentiality of employee health and insurance information, including the secure interchange and storage of electronic data. The superintendent is directed to promulgate administrative regulations as needed to ensure proper handling of such information.

Employees will be provided with a notice describing the district's practices regarding health information. Employees shall have the right to inspect, copy or amend such information or to revoke authorization to disclose such information. Revocation of authorization may affect the availability of some employee benefits.

Legal Reference: 1996 Health Insurance Portability and Accountability Act (HIPAA)  
Family Educational Rights and Privacy Act (FERPA)

Cross Reference: 402.06 Employee Records  
404.02 Employee Injury on the Job  
804.01 Computer Security  
804.02 Data Retention

Adopted: May 9, 2005

## Policy 405

### Employee Conduct and Appearance

All district employees are expected to maintain a standard of dress, personal appearance, general decorum, moral standards and behavior that reflects their professional status in the community.

Adopted: May 9, 2005

## **406 Certificated Employees - General**

### Policy 406.01

#### Certification

Valid teaching certificates for all professional employees must be registered in the District Superintendent's Office. Certificated employees must present evidence of current certificate to the superintendent prior to September 15 and before any payment of salary each year. A copy of the certificate must also be kept on file in the personnel office of the District.

Legal Reference: Neb. Statute 79-801 et seq.

Cross Reference: 406.02 Certificated Employee Qualifications,  
Recruitment  
and Selection  
411.01 Substitute Teachers

Approved: July 13, 1992  
Revised: September 13, 1999  
Revised: July 11, 2005

### Policy 406.02

#### Certificated Employee Qualifications, Recruitment and Selection

The board, on the recommendation of the superintendent, shall employ, assign, and transfer certificated school personnel and adopt policies and approve regulations governing their employment and duties. The district shall conduct a criminal background check on any applicant at the point of consideration for selection. The dismissal of certificated employees shall be a prerogative of the board and in accord with appropriate state laws, policies and procedures.

The board shall employ certificated employees after receiving a recommendation from the superintendent. However, the superintendent shall have the authority to employ a certificated employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position. The superintendent may recommend continued employment, reemployment, termination, or reassignment of replacement teachers (teachers who fill position



## Policy 406.04

### Certificated Employee Continuing Contracts

The contract of any probationary or permanent certificated employee may be amended, terminated or renewed as provided by law.

Notice to certificated employees of renewal, amendment or termination of contract shall be given to such certificated employee on or before April 15 of each calendar year or on or before such other date as may be established by law. All probationary or permanent certificated employees shall have a right to a hearing upon the amendment, termination, or non-renewal of a contract. The hearing for probationary certificated employees need not be a due process hearing as defined by law and may be held before a committee of the board consisting of not less than three of the board's total members.

Certificated employees who wish to resign, to be released from a contract, or to retire must comply with board policies in those areas. No teacher or administrator shall be released from any contract unless such release is recommended by the superintendent and approved by the board.

The superintendent, during an investigation for the purpose of a recommendation to the Board for termination or cancellation of a certified employee's contract, may suspend the certificated employee without loss of pay and other benefits. The suspension will last until such time as the superintendent either concludes the investigation and determines no grounds for cancellation or termination exist, or until the superintendent recommends to the board the termination or cancellation of the certificated employee's contract.

Legal Reference: Neb. Statute 79-824 to 842

Cross Reference: 406.03 Certificated Employee Individual Contracts  
406.08 Certificated Employee Probationary Status  
408 Certificated Employee Termination of

### Employment

Adopted: July 13, 1992  
Revised: July 11, 2005

## Policy 406.05

### Certificated Employee Duties and Workday

All district certified employees, other than the superintendent, shall assume the duties and responsibilities directly designated by the superintendent or designee.

The professional tasks of teachers involve considerably more time than that devoted to actual class instruction, at all levels of education, Pre-kindergarten through 12. Some of these duties are: study and research to keep abreast of new knowledge and techniques, assessment of students' work, record keeping, lesson planning and preparation, student, parent and administrator conferences, in-service meetings, and pupil supervision outside the classroom.

Teachers are expected to be in their classrooms or at assigned educational environments prior to the beginning of their instructional day and after the close of their instructional day. This time is necessary for educational planning, preparation and conferences with students, parents and faculty members. Teachers whose effectiveness is impaired by a lack of lesson planning and participation in sufficient necessary activities before and after school shall be dealt with individually through the Teacher Appraisal and Professional Development processes.

All staff members are expected to maintain a standard of dress, personal appearance, general decorum, moral standards, and behavior that reflects their professional status in the community.

It shall be the responsibility of each building administrator, with the guidance of the Superintendent, to establish necessary regulations to accomplish effectively the goals of the instructional program in the school.

Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: July 12, 1999  
Revised: July 11, 2005

## Policy 406.06

### Certificated Employee Assignment and Transfers

The board shall have the right to reassign a teacher in fields of special training, or capabilities, at any time during the life of their contract through the superintendent and the proper principal.

The teaching staff shall be assigned to particular school buildings by the superintendent. Reassignment or transfer to another position or class shall be based on consideration of: 1) a change in the nature of the job, 2) increased or reduced responsibilities, 3) quality of work performed, 4) length of service, 5) benefit to the system. Teachers may apply for transfer or reassignment through their principals, but the judgment of the superintendent is final. The superintendent will make every effort to establish equity in assignments.

When positions become available, promotion of qualified personnel within the district will be considered. This policy shall serve as a guide in those cases where the qualifications of inside candidates are equal to or better than those of outside candidates.

Approved: July 13, 1992

Revised: July 11, 2005

## Policy 406.07

### Certificated Employee Appraisal

A procedure of appraisal to determine and assess professional skills and work performance shall be conducted for all probationary and permanent certificated employees as provided by law.

The appraisal shall have as its purpose a determination of the quality of the certificated employee's professional skills and work performance and shall provide a means by which to provide a certificated employee notice of any deficiencies, suggestions of improvement and assistance in overcoming deficiencies.

Each probationary certificated employee shall be appraised at least once each semester. Each permanent certificated employee shall be appraised according to the district procedures. The appraisals shall be conducted by the Superintendent or designee and shall be set forth in a written Summative Appraisal Report which will be filed in the certificated employees file.

Each appraisal shall be reviewed with the certificated employee and the certificated employee shall have the right to reply or otherwise respond to any portion of the appraisal with which the certificated employee does not agree.

Legal Reference: Neb. Statute 79-828-30

Cross Reference:	406.02	Certificated Employee Qualifications, Recruitment,
		and Selection
	406.08	Certificated Employee Probationary Status
	408.04	Certificated Employee Reduction-In-Force

Approved:	July 13, 1992
Revised:	July 12, 1999
Revised:	July 11, 2005



## **407 Certified Employee Compensation and Benefits**

### Policy 407.01

#### Certificated Employee Salary and Benefits

The board shall establish salary schedules and benefits for certificated employees' positions keeping in mind the financial condition of the school district, the education and experience of the certificated employee, the educational philosophy of the school district, and other factors deemed relevant by the board. It shall be the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule and benefits.

The salary schedule and benefits shall be subject to discussion and modification through the collective bargaining process with recognized bargaining units. The requirements regarding salaries and benefits stated in a duly ratified Negotiated Agreement between the board and a recognized bargaining unit shall be followed.

Approved: July 13, 1992

Revised: July 11, 2005

## Policy 407.02

### Extra Duty Pay

The Board approves and accepts the concept of extra duty pay for extra assigned work and may make provisions for such compensation in each adopted salary scale.

Additionally, the Board approves the concept of paying expenses of a faculty advisor to approved student clubs when the faculty advisor shall be required to accompany a student or group of students to a regional or national competition for which the students have qualified through competition and/or merit.

Approved: July 13, 1992

Revised: July 11, 2005

Administrative Rules  
and Procedures to  
Implement  
Policy 407.02

Extra Duty Pay

Faculty advisors may be required to accompany a student or group of students to a regional or national competition for which the student or students have qualified through competition and/or merit.

Specific advance approval of the building Principal and Superintendent is required for the District to pay or reimburse faculty advisors when the advisor accompanies a student or group of students under this policy.

Such reimbursement or payment may be made only when revenues are budgeted and available. Any expenses other than reimbursed or paid under District policy shall be borne by the faculty advisor and/or the student or group of students.

Legal Reference: Neb Rev. Stat. 13-2203(1)

Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: November 12, 2001  
Revised: July 11, 2005

## Policy 407.03

### Workers' Compensation

The district will participate in workers' compensation as required by statute. All employees of the district will be covered by workers' compensation regardless of type of assignment, length of assignment or hours worked per day.

The superintendent or designee shall be responsible for developing administrative regulations to implement the workers' compensation plan and shall annually review the costs and performance of the plan, making recommendations to the board for changes as necessary.

Legal Reference: Neb. Statute 48-101 et seq.

Cross Reference: 404.01 Employee Injury on the Job  
905 Safety Program

Approved: July 13, 1992  
Revised: July 11, 2005

## Policy 407.04

### Tax Sheltered Annuities

The board authorizes the administration to make a payroll deduction for employees' tax sheltered annuity premiums purchased from any company approved by the district that the employee chooses.

Employees wishing to have payroll deductions for tax sheltered annuities shall make a written request to the superintendent. The district may set limits on the number of amendments an employee may make to their tax sheltered annuity in any one year.

Cross Reference: 707 Payroll Procedures

Approved: July 13, 1992  
Revised: July 11, 2005

## **408 Certified Employee Termination of Employment**

### Policy 408.01

#### Certificated Employee Resignation

A certificated employee who wishes to be released from his/her contract shall immediately deliver a written and signed notice of resignation to the office of the superintendent. A request for release from contract submitted before May 1 of the current school year requesting release for the upcoming school year shall be accepted by the board without any conditions.

Any certificated employee who wishes to be released from his/her contract should consider the difficulty of securing an adequate replacement for the district and disruption to the educational program. A late resignation greatly increases this difficulty and disruption.

No request for release after May 1 shall be guaranteed. The superintendent, upon reviewing the request and its impact on the district, shall forward the request to the board with an appropriate recommendation.

The board shall make the final determination regarding the request but shall have no obligation to approve the employee's early release from contract.

The board may request the employee to continue as a member of the staff and to fulfill the terms of his/her contract. The early release, if allowed, will become effective at the end of the school year in which it is submitted. If the employee has requested the release to become effective at an earlier date than the end of the school year, the board may consider it on an individual basis.

An employee's refusal to fulfill his/her contract shall be cause for the district to request a revocation of certification by the Nebraska Department of Education.

Legal Reference: Nebraska Statutes 79-817 to 79-845  
NDE Rule 27, part 007

Adopted: February 13, 2006

## Policy 408.02

### Certificated Employee Amendment, Termination or Non-renewal of Contract

The contract of any probationary or permanent certificated employee may be amended, terminated or renewed as provided by law.

All probationary or permanent certificated employees shall have a right to a hearing upon the amendment, termination, or non-renewal of a contract. The hearing for probationary certificated employees need not be a due process hearing as defined by law and may be held before a committee of the Board consisting of not less than three of the Board's total members.

Notice to certificated employees of renewal, amendment or termination of contract shall be given to such certificated employee on or before April 15 of each calendar year or on or before such other date as may be established by law.

No teacher nor administrator shall be released from any contract unless such release is recommended by the superintendent and approved by the board.

The superintendent, during an investigation for the purpose of a recommendation to the board for termination or cancellation of a certified employee's contract, may suspend the certificated employee without loss of pay and other benefits. The suspension will last until such time as the superintendent either concludes the investigation and determines no grounds for cancellation or termination exist, or until the superintendent recommends to the board the termination or cancellation of the certificated employee's contract.

Legal Ref: 79-826-9

Approved: July 13, 1992

Revised: February 13, 2006

## Policy 408.03

### Certificated Employee Retirement and Early Retirement Program

Certificated employees who will complete their current contract with the board and may apply for retirement and may qualify for retirement benefits through the state school retirement fund.

The district may offer a voluntary early retirement program for full-time certificated employees. Upon written application and approval of the superintendent and board, eligible certificated employees may participate in the program.

Approved: July 13, 1992

Revised: August 12, 1996

Revised: August 4, 2000

Revised: February 13, 2006

**Administrative Rules and  
Procedures to Implement  
Policy 408.03**

**ELKHORN PUBLIC SCHOOL DISTRICT  
EARLY RETIREMENT INCENTIVE PROGRAM**

**A. PURPOSE:**

The purpose of this program is to encourage Eligible Employees who are considering an early-leaving decision to accelerate their retirement plans. Objectives include, but are not limited to, the following:

1. To offer financial incentives which will assist long-term employees considering early retirement or early-leaving decisions.
2. To reduce costs to the School District by replacing maximum salaried employees with lesser salaried employees.
3. To provide a better balance of employee experience.

**B. QUALIFICATIONS:**

1. **Eligible Employee:** To be a participant a person must be employed by the School District as of the date of acceptance of the person's application in the position of a fully certified employee (a) covered by the negotiated agreement between the Elkhorn Public School District and the Elkhorn Education Association (hereinafter sometime referred to as "Eligible Employee" or "Employee" or "Teacher"), or (b) under contract as Superintendent or Administrator (hereinafter sometimes referred to as "Eligible Employee" or "Employee" or "Administrator").

2. **Full-Time Equivalency:** An Eligible Employee, both full-time and part-time, may participate in the Early Retirement Incentive Program ("ERIP"), provided that the part-time Employee's benefits under such plan shall be prorated based on their Full Time Equivalency (hereinafter "FTE"); said FTE to be determined based on the Employee's actual scheduled salary as of December 1 of the Employee's final contract year. A part time Employee who is on a leave of absence in part and work part-time, as of December 1 of the Employee's final contract year shall be eligible to participate in this ERIP to the extent of their on-duty FTE. Employees who are on a sabbatical leave, leave of absence, or other board approved leave as of December 1 of the Employee's final contract year shall not be eligible to participate in this ERIP.

3. **Criteria for Eligibility:**

a. **Salary Schedule Placement:** In order for an Employee to participate in this program, the Employee must have completed 15 years of service with the School District and have a final contract year salary schedule placement of at least Step J on the BA+18 column, or Step I in the BA+27, BA+36, MA, MA+9, MA+18, MA+27, or MA+36 educational column, or be eligible for at least such a placement if an Administrator in the School District. Board approved military service, sabbatical and/or approved leave of absence, or other leave required to be granted according to law, shall not be included as credited years for placement on the salary schedule. In determining credited years for placement on the salary schedule with the School District, part-time employment is considered only when the FTE is .5 or greater, and is credited at the FTE level during the year of employment.

b. **"Window" of Eligibility:** There shall be a period of eligibility, hereinafter referred to as a "window", when an Employee may elect to participate in this ERIP. The window shall open on September 1 of the calendar year when:

(1) The Eligible Employee reaches fifty-four (54) years of age and is eligible to receive unreduced benefits from the Nebraska School Employees Retirement System ("NSERS") by virtue of age and years of creditable service in that system, and shall close on the second August 31 thereafter;

(2) The Eligible Employee who is fifty-four (54) years of age or more is first eligible to receive unreduced benefits from the NSERS by virtue of age and years of creditable service in that system, and shall close on the second August 31 thereafter.

4. **Notice of Assignment and Salary Schedule Placement:** On or before December 1 of each year, the administration of the School District shall provide all Eligible Employees of the School District verification of their teaching assignment, salary schedule placement and years of service to the School District.

5. **Acceptance or Rejection of Applications:** The Board of Education of the School District, in its sole and absolute discretion, reserves the right to accept or reject any or all applications based on financial exigencies, availability of funds, budget, expenses, revenue, and other school finance issues.

6. **Criteria for Selection:** If there is more than one applicant for participation in this ERIP, the selection of the Eligible Employee(s) allowed to participate in the ERIP shall be based upon the following criteria in descending order:

a. **Date of Application:** The individual(s) with the date of application first in time will be given preference for participation in the ERIP. Applications will be date stamped by the Superintendent's office.

b. **Highest Salary:** If two (2) or more individual applications are filed on the same date, then the individual(s) with the highest salary on the salary schedule in the negotiated agreement between the School District and the Elkhorn Education Association, or its successor, in effect for the contract year when the applications are received shall be given preference for participation in the ERIP.

c. **Tie Breaker:** If two (2) or more individuals tie on criteria "a" and "b", the names of those persons who are tied shall be placed in a container and names will be drawn from the container for each opening in the ERIP.

### C. ENROLLMENT REQUIREMENTS:

1. **Resignation:** Eligible Employee participants in the program shall resign their positions with the School District effective at the close of the school year in which the application for participation in this ERIP is received, and thereby relinquish the Employee's actual and existing continuing contract rights in consideration for the benefits outlined in paragraph "D" below.

2. **Notice of Plan and Future Employment:** The Superintendent or Superintendent's designee shall notify all Teachers and Administrators of the School District of the adoption of this Early Retirement Incentive Policy (ERIP) and the attendant ERIP Application and Agreement on or before January 1 each year; a copy of said ERIP Application and Agreement as it now exists, or as it may be from time to time amended, may be obtained from the school office of each school in the district.

3. **Application and Agreement:** Any Eligible Employee who attains the minimum eligibility requirements shall be eligible to participate in the ERIP. **Each qualified Eligible Employee who wishes to participate must submit an Application and Agreement form properly executed, which is to be received in the Superintendent's Office on or after January 15, but on or before January 31, of the eligible employee's last contract year of employment.** An Application and Agreement may be withdrawn by the employee at any time within seven (7) days following the date when it was received by the Superintendent's Office. The Superintendent or his designee shall review the Eligible Employee's record to determine eligibility. If eligible, the Board of Education shall approve the Application and Agreement, except as may be otherwise provided herein, at the regular February meeting of the Board of Education immediately following the receipt of the Eligible Employee's Application and Agreement, or at such later time as deemed appropriate. **FAILURE TO SUBMIT THE APPLICATION AND AGREEMENT WITHIN THE TIME FRAME SPECIFIED IN THIS PARAGRAPH SHALL RESULT IN THE REJECTION OF SUCH APPLICATION AND AGREEMENT.**

4. **Terminated Employee's Ineligibility:** An Employee who has received written notice of possible termination for reasons other than reduction in force, or who has received written notice of possible cancellation shall NOT be eligible and may NOT participate in this program, UNLESS after a hearing before the Board of Education it is determined that said Employee's contract shall not be canceled or terminated, or the decision of the Board of Education to terminate or cancel is subsequently set aside.

An Employee who has received written notice of possible termination for reasons of a reduction in force shall be eligible and may participate in this program if, but only if, said Employee expressly waives all rights to which he or she may be entitled under the reduction in force law.

**D. BENEFITS:**

1. **Calculation of Benefits:** An Eligible Employee participating in the ERIP shall receive the following benefits:

a. **ERIP BENEFIT.** The School District shall following the Eligible Employee's retirement make a non-elective contribution to a 403(b) annuity or custodial account selected by the Eligible Employee in an amount equal to two and seventy-five hundredths percent (2.75%) of the actual scheduled salary to be earned by the Eligible Employee during the contract year when application is made for participation in this ERIP multiplied by the number of years of creditable service (scheduled salary x 2.75% x years of creditable service = benefit) payable in thirty-six (36) equal monthly installments to be made on the regular pay day for certified staff each month beginning with the September immediately following the end of the contract year when the Eligible Employee's resignation is effective, and continuing to be paid on the regular pay day for certified staff each month thereafter until paid in full. Scheduled salary refers to salary paid from the salary schedule, which excludes salary paid for extra responsibility, extended contract and fringe benefits.

If the Eligible Employee fails to designate the 403(b) annuity or custodial account to which the contribution is to be made, the District will hold the contribution until the Eligible Employee does designate the annuity or custodial account. The parties further agree that the non-elective contribution described herein will not exceed any Internal Revenue Code or other limit imposed by law at the time the contribution is made. If the contribution, together with any other contributions on behalf of the Eligible Employee would cause the Eligible Employee to exceed the maximum allowed by law, the excess shall be paid to the Eligible Employee in cash, less required withholding.

2. **Source of Funds:** The School District shall pay the entire cost of the plan.

3. **Administration:** This Plan shall be administered by the Board of Education by and through the administration of the School District.

4. **Beneficiary Designation:** In order for the application to be considered complete, a beneficiary must be designated. Upon death of the participant Employee before all benefits are paid, the beneficiary shall receive benefits pursuant to the terms of this ERIP.

5. **COBRA Rights:** Pursuant to COBRA, a retired Eligible Employee will have the opportunity to continue participation in the School District's group health insurance plan for at least eighteen (18) months following retirement upon payment by the Eligible Employee of the monthly insurance premiums.

**E. TIME FOR CONSIDERATION OF APPLICATION AND AGREEMENT, WAIVER AND RELEASE OF CLAIMS:**

**1. Time to Consider Application and Agreement:** An Eligible Employee who elects to participate in the Elkhorn Public School District Early Retirement Incentive Program shall be given at least forty-five (45) days within which to consider the ERIP Application and Agreement. That ERIP Application and Agreement shall alert the Eligible Employee that the Elkhorn Public School District Early Retirement Incentive Program is totally voluntary in nature.

**2. Waiver and Release of Claims:** The ERIP Application and Agreement shall also include a specific Waiver and Release of Claims of the participant's rights under the Age Discrimination and Employment Act (ADEA) 29 U.S.C. § 621-63 and the Act Prohibiting Unjust Discrimination in Employment Because of Age, Neb. Rev. Stat. § 48-1001 et seq., the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 51001 et seq., and all other state and federal constitutions, statues and regulations that relate to the validity of the ERIP, and allow the Employee to revoke the Release or Waiver at any time within seven (7) days after signing the contract, and advise the Employee to consult with an attorney before signing the Application and Agreement. THE SPECIFIC TERMS OF THE WAIVER AND RELEASE OF CLAIMS SHALL BE AS FOLLOWS:

**WAIVER AND RELEASE OF CLAIMS:**

An Eligible Employee who elects to participate in the Elkhorn Public School District Early Retirement Incentive Program shall as part of the Application and agreement for the program enter into the following Waiver and Release of Claims: “By entering into this Agreement the Eligible Employee hereby releases, waives, acquits, and forever discharges the School District, all past, present, and future members of the Board of Education of such School District in their official and individual capacities, the Administrators, and all other officers, agents, and employees of the School District, in their official and individual capacities, from any and all claims, however characterized, whether for damages, costs, expenses, compensation, penalties, wages, benefits, reinstatement, attorneys’ fees, or attorneys’ fees under 42 U.S.C. '1988, or the like, with

respect to, arising out of, or in relation to the Eligible Employee's employment with the School District, including, but not limited to, claims or rights:

a. under the Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA) ( 29 U.S.C. '621 et seq.), and the Act Prohibiting Unjust Discrimination in Employment on the Basis of Age (Neb. Rev. Stat. '48-1001 et seq.);

b. under the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. '1001 et seq.);

c. under Title VI (42 U.S.C. § 2000d et seq.; 34 CFR §100 et seq.), Title VII (42 U.S.C. §2000e, et seq.) and Title IX of the Civil Rights Act of 1964 (20 U.S.C §1681; 34 CFR 106.1 et seq.);

d. under the Civil Rights Act of 1866 and 1871 (42 U.S.C. '1981, through and including 42 U.S.C. '1988);

e. under the Americans with Disabilities Act (42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. §791, et seq.; 34 CFR §104, et seq.), and the Family Medical Leave Act of 1993 (29 U.S.C. '2601 et seq.);

f. under the Nebraska Fair Employment Practices Act (Neb. Rev. Stat. §48-1101 et seq.), the Nebraska Equal Opportunity in Education Act (Neb. Rev. Stat. §79-2,116 et seq.), the Industrial Relations Act, including unfair labor practices claims under that Act (Neb. Rev. Stat. §48-801 et seq.), and civil rights claims under Neb. Rev. Stat. § 20-168 and other state and local laws;

e. under the Wage Payment and Collection Act (Neb. Rev. Stat. §48-1228 et seq.), including claims or rights to be paid for any unused leave, but excluding rights to salary earned and unpaid for the final year of employment;

f. of or relating to discrimination on the basis of race, ethnic background, color, religion, sex, age, disability, handicap, marital status or national origin, or other protected status, free speech, and unlawful retaliation, before the state or federal EEOC or NEOC, or any other agency or department or state or federal courts under any state or federal constitution, law, rule, or regulation;

g. for breach of contract or tort, including but not limited to negligence, libel, slander, and breach of confidentiality or privacy;

h. of whatsoever nature arises under any other state, federal, or local constitution, statute, regulation, or ordinance arising out of the Eligible Employee's employment with the School District, this Agreement, the ERIP, or the Eligible Employee's resignation from such employment.

This waiver and release is given in exchange for good and valuable consideration (the ERIP severance benefit) beyond that to which the Eligible Employee is otherwise entitled to pursuant to law or agreement.”

**F. TERM OF PROGRAM:**

The Elkhorn Public School District's ERIP shall be offered only to Eligible Employees as defined herein, and who timely submit an ERIP Application and Agreement.

Revised: November 14, 2011

**- APPLICATION AND AGREEMENT-**

**(NOTE: THIS APPLICATION AND AGREEMENT MUST BE SUBMITTED TO THE HUMAN RESOURCES OFFICE ON OR AFTER JANUARY 15, BUT ON OR BEFORE JANUARY 31).**

This Early Retirement Incentive Program ("ERIP") Application and Agreement is offered and made this \_\_\_\_\_ day of \_\_\_\_\_, between Elkhorn County School District 28- 0010, a/k/a Elkhorn Public School District ("School District"), and \_\_\_\_\_, ("Eligible Employee"), whose address is \_\_\_\_\_, in, \_\_\_\_\_ Nebraska.

**WHEREAS**, the School District has established an Early Retirement Incentive Program (hereinafter "ERIP") for the purpose of encouraging Eligible Employees who are considering an early-leave decision to accelerate their retirement plans; and

**WHEREAS**, the Eligible Employee is desirous of voluntarily participating in the ERIP and in the voluntary termination of the Eligible Employee's employment; and

**WHEREAS**, the Eligible Employee meets all the criteria for participation in the ERIP program set forth in the negotiated agreement between the Board of Education and the Elkhorn Education Association; and

**WHEREAS**, the Eligible Employee acknowledges that the Eligible Employee has had forty-five (45) or more days to consider the ramifications of participation in the ERIP, and acknowledges that the Eligible Employee's participation in the ERIP is voluntary and that the Eligible Employee was not coerced in any manner to participate in the ERIP sponsored by the School District.

**NOW, THEREFORE**, in consideration of the mutual covenants, conditions, and stipulations set forth in this Application and Agreement, the Eligible Employee and the School District do hereby agree as follows:

**1. ELIGIBLE EMPLOYEE RESIGNATION:** The Eligible Employee, by signing this Application and Agreement, hereby voluntarily, unconditionally, and irrevocably resigns from the Eligible Employee's employment position, relinquishes the Eligible Employee's actual and existent continuing contract rights by law, and resigns from all other employment relations with the School District effective at the end of the \_\_\_\_\_ - \_\_\_\_\_ school year, and further hereby waives any and all notice of action by the Board of Education of the School District to accept the resignation and to terminate the Eligible Employee's continuing contract and employment with the School District, and waives any and all rights the Eligible Employee may have under Neb. Rev. Stat. §§ 79-824 to 79-839, or other laws as they now exist or as they may be amended in the future relating to continued employment, or rights of recall. The Eligible Employee further authorizes the Board of Education of the School District to advertise for, and contract with, a replacement employee, if deemed appropriate, for the school year

immediately following the effective date of the resignation of the Eligible Employee. The School District, by approving and signing this Application and Agreement, hereby unconditionally and irrevocably accepts the Eligible Employee's resignation, ending all employment relations between the School District and the Eligible Employee, effective at the end of the \_\_\_\_\_ - \_\_\_\_\_ school year. The Eligible Employee authorizes the School District to approve and accept this Application and Agreement immediately upon its presentation to the School District by the Eligible Employee.

**2. EARLY RETIREMENT BENEFITS - ERIP BENEFIT CALCULATION**

(a) In consideration of the Eligible Employee's resignation and relinquishment of the Eligible Employee's actual and existent continuing contract rights by law, and of other covenants and conditions set forth in this Application and Agreement, the School District shall following the Eligible Employee's retirement make a non-elective contribution to a 403(b) annuity or custodial account selected by the Eligible Employee in an amount equal to two and seventy five hundredths percent (2.75%) of the actual scheduled salary earned by the Eligible Employee during the school year when application is made for participation in this ERIP multiplied by the number of years of creditable service (scheduled salary x 2.75% x years of creditable service = benefit) payable in thirty-six (36) equal monthly installments to be made on the regular pay day for certificated staff of each month beginning with the September pay period for the contract immediately following the end of the contract year when the Eligible Employee's resignation is effective, and continuing to be paid on the regular pay day for certificated staff same day of each month thereafter until paid in full. Scheduled salary refers to salary paid from the salary schedule, which excludes salary paid for extra responsibility and fringe benefits.

(1) The ERIP benefit shall be calculated as follows: Salary x .0275 = \$ \_\_\_\_\_ x \_\_\_\_\_ years = \$ \_\_\_\_\_ total benefit divided by 36 months = \$ \_\_\_\_\_ monthly stipend.

(2) If the Eligible Employee fails to designate the 403(b) annuity or custodial account to which the contribution is to be made, the District will hold the contribution until the Eligible Employee does designate the annuity or custodial account. The parties further agree that the non-elective contribution described herein will not exceed any Internal Revenue Code or other limit imposed by law at the time the contribution is made. If the contribution, together with any other contributions on behalf of the Eligible Employee would cause the Eligible Employee to exceed the maximum allowed by law, the excess shall be paid to the Eligible Employee in cash, less required withholding.

(b) Beneficiary Designation: The Eligible Employee hereby designates \_\_\_\_\_, whose address is \_\_\_\_\_, Social Security No. \_\_\_\_\_ or Tax ID. No. \_\_\_\_\_, to be his/her beneficiary in case of his/her death. Any monies due the Eligible Employee will continue to the beneficiary until the total benefit distribution is paid in full pursuant to the provisions of this Agreement.

### 3. WAIVER AND RELEASE OF CLAIMS:

By entering into this Agreement the Eligible Employee hereby releases, waives, acquits, and forever discharges the School District, all past, present, and future members of the Board of Education of such School District in their official and individual capacities, the Administrators, and all other officers, agents, and employees of the School District, in their official and individual capacities, from any and all claims, however characterized, whether for damages, costs, expenses, compensation, penalties, wages, benefits, reinstatement, attorneys' fees, or attorneys' fees under 42 U.S.C. '1988, or the like, with respect to, arising out of, or in relation to the Eligible Employee's employment with the School District, including, but not limited to, claims or rights:

a. under the Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA) ( 29 U.S.C. '621 et seq.), and the Act Prohibiting Unjust Discrimination in Employment on the Basis of Age (Neb. Rev. Stat. '48-1001 et seq.);

b. under the Employee Retirement Income Security Act of 1974 (ERISA) (29 U.S.C. '1001 et seq.);

c. under Title VI (42 U.S.C. § 2000d et seq.; 34 CFR §100 et seq.), Title VII (42 U.S.C. §2000e, et seq.) and Title IX of the Civil Rights Act of 1964 (20 U.S.C §1681; 34 CFR 106.1 et seq.);

d. under the Civil Rights Act of 1866 and 1871 (42 U.S.C. '1981, through and including 42 U.S.C. '1988);

e. under the Americans with Disabilities Act (42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. §791, et seq.; 34 CFR §104, et seq.), and the Family Medical Leave Act of 1993 (29 U.S.C. '2601 et seq.);

f. under the Nebraska Fair Employment Practices Act (Neb. Rev. Stat. §48-1101 et seq.), the Nebraska Equal Opportunity in Education Act (Neb. Rev. Stat. §79-2,116 et seq.), the Industrial Relations Act, including unfair labor practices claims under that Act (Neb. Rev. Stat. §48-801 et seq.), and civil rights claims under Neb. Rev. Stat. § 20-168 and other state and local laws;

e. under the Wage Payment and Collection Act (Neb. Rev. Stat. §48-1228 et seq.), including claims or rights to be paid for any unused leave, but excluding rights to salary earned and unpaid for the final year of employment;

f. of or relating to discrimination on the basis of race, ethnic background, color, religion, sex, age, disability, handicap, marital status or national origin, or other protected status, free speech, and unlawful retaliation, before the state or



On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I, \_\_\_\_\_, being first duly sworn upon oath, depose and state that I am the Eligible Employee identified above, that I have read the foregoing Early Retirement Incentive Program ("ERIP") Application and Agreement, know the contents thereof, signed the same as my voluntary act and deed, and submit this Application and Agreement for acceptance by the Board of Education.

\_\_\_\_\_  
Eligible Employee

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**ACCEPTANCE**

Upon the action of the Board of Education on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, approving and ratifying the foregoing Application and Agreement, and the acceptance by the Board of Education of the resignation of the Eligible Employee identified above, the above Temporary Early Retirement Incentive Program Application and Agreement is hereby deemed to have been accepted and approved by the Eligible Employee and the Elkhorn County School District 28-0010, a/k/a Elkhorn Public School District, and shall be carried into effect by the Administration.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**DOUGLAS COUNTY SCHOOL DISTRICT 28-0010,  
a/k/a ELKHORN PUBLIC SCHOOL DISTRICT**

BY: \_\_\_\_\_,  
Superintendent

[4841-8389-8889, v. 1](#)

Revised: November 14, 2011  
**Policy 408.04**

**Certificated Employee Reduction in Force**

Reductions in force of certificated employees may be required due to decreasing enrollments, limited financial support, changes in financial support, budget restriction, changing programs, or other changes in circumstances. If such changes occur and a necessary reduction of certificated staff may not be accomplished through normal attrition, the Superintendent (or the Superintendent's designee) shall recommend to the Board those certificated employees to be reduced under the reduction in force provisions of the continuing contract laws provided, however, that no permanent (or tenured) employee may be reduced through a reduction in force while a probationary (non-tenured) employee is retained in a position to perform a service that the permanent employee is qualified by certification and endorsement to perform, or where certification is not applicable, by reason of college credits in the teaching area. Dates of notification to certificated staff shall correspond with state law. Certificated staff shall not be reduced in force unless it is specifically found that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

Due to the often intimate, confidential and unique personal working relationship necessary between the administration and the Board of Education, a certificated employee who is not currently serving in a predominately administrative capacity shall have no rights under this policy to any administration position within the school system.

This policy shall specifically permit and allow reductions in force to occur which deal with total elimination or termination, or amendment of contracts or positions, which deal with reductions in force from full time to part time, which deal with reductions in force from part time to a lesser part time, or which deal with any other reductions in force, which result in the termination or amendment of a certificated employee's contract or employment position.

The selection of personnel to be reduced will involve consideration of the following (not listed in order of importance): (1) programs to be offered, (2) areas of certification and endorsement, (3) state and federal regulations which may mandate certain employment practices, (4) special qualifications that may require specific training and/or experience, (5) contributions to activity programs (defined as history of acceptance of extra duty assignments), (6) seniority (defined as the number of years of uninterrupted service within the District), (7) the organizational and educational impact created by multiple part-time certificated employees, and (8) qualifications based on performance and competence (as defined by the use of employee evaluations over the immediate past three years).

Employee evaluations (including frequency of the evaluation, evaluation forms, number and length of classroom observations, if applicable) used for purposes of this policy shall

(408.04 Cont.)

conform to the Board policies and administrative rules, regulations, forms and practices related to the periodic evaluation of certificated staff members in effect or as amended from time to time, all of which are incorporated herein by this reference as they exist or as they are amended from time to time as though set forth in full.

Any certificated employee whose contract shall be reduced in force shall be considered to have been dismissed with honor and shall upon request, be provided a letter to that effect. Such employee shall have preferred rights to reemployment for a period of twenty-four (24) months commencing at the end of the contract year, and the employee shall be recalled on the basis of length of uninterrupted service to the school district to any position for which the employee is qualified by endorsement or college preparation to teach or perform. Certificated employees shall, upon reappointment, retain any benefits that had accrued prior to the reduction in force, but such leave shall not be considered as a year of employment by the district.

It shall be the responsibility of all certificated employees to file with the Superintendent a copy of such certificated employee's teaching certificate or administrative and supervisory certificate or other license, including endorsement, upon initial employment with the District. On or before March 15 of each year thereafter, or so long as the employee is employed in the school system or has rights of recall, the employee shall file evidence of any changes in such employee's certification, endorsements, or licensure which have occurred since the previous year.

Any certificated employee whose employment contract is reduced in force shall, during the employee's period of recall, report the employee's current address to the Superintendent, and shall inform the Superintendent of any changes of address thereafter. If a vacancy occurs in the school system for which a certificated employee has rights of recall, the offer of such employment may be sent by the superintendent to the employee's last known address. If no acceptance of such offer is received within fourteen (14) days of mailing, and the Superintendent has no personal knowledge of the whereabouts of the employee, the employee shall be deemed to have waived the employee's right to recall to said employment position.

Legal Reference: RRS 79-846 to 849

Adopted: July 13, 1992  
Revised: August 12, 1996  
Revised: February 13, 2006

#### **409 Certificated Employee Professional Growth**

## Policy 409.01

### Certificated Employee Professional Development

The district expects each certificated employee to be continuously involved in a program of professional development and to maintain and improve student learning and instructional proficiency in accordance with district school improvement targets, policies and procedures. The professional development of each certificated employee shall be linked to school improvement targets by a written professional development plan focusing on district, building and individual goals. The professional development plan will be a component of the district's certificated employee appraisal procedures. The plan shall be formally reviewed on a yearly basis.

The professional development program shall be continuously evaluated and monitored by the superintendent in order to determine that the greatest possible educational benefits are being achieved.

All certificated employees permanently employed by the district shall provide evidence of professional development every six years as provided by law.

Legal Ref: RRS 79-830, 79-838, NDE Rule 10  
Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: July 12, 1999  
Revised: February 13, 2006

## Policy 409.02

### Certificated Employee Mentors

The building principal or immediate supervisor will assign a mentoring teacher to every probationary teacher upon entrance of the probationary teacher into the district. The mentoring teacher, insofar as possible, will be a tenured teacher with a minimum of three (3) years' teaching experience in the district and will be engaged in teaching within the same grade, building or discipline as the probationary teacher.

The mentoring teacher will assist the probationary teacher in acclimating to the teaching profession and the district. The mentor's role is to assist the new teacher by being available to answer questions, explain the courses of study, instructional materials, building procedures, availability of resources and district policies.

Cross Reference: 402.02 Employee Orientation and Mentor Programs

Leg. Ref: 79-758, 761  
Approved: July 13, 1992  
Revised: September 9, 1999  
Revised: February 13, 2006

### Policy 409.03

#### Certificated Employee Publication or Creation of Materials

Certificated employees are encouraged to contribute professional articles to local, state and national educational organizations, seminars and education related organizations. As a matter of professional ethics, all such articles should be submitted to the superintendent in the event the district, its personnel or programs are mentioned in the articles.

Materials created by certificated employees and the financial gain there from shall be the property of the school district if school materials and time were used in their creation or such materials were created in the scope of the certificated employee's employment. The certificated employee must seek prior written approval of the superintendent concerning such activities.

Cross Reference: 402.03 Employee Conflict of Interest  
607.04 Student Production of Materials and Services

Approved: July 13, 1992  
Revised: February 13, 2006  
Policy 409.04

#### Certificated Employee Tutoring

The policy of the district is to maintain a high quality instructional staff and provide an appropriate education to minimize any need for individual tutoring.

Every effort will be made by the certificated employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by certificated employees may be approved by the building principal.

Certificated employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the board.

Tutoring for a fee may not take place within school facilities or during regular school hours unless specifically approved by the superintendent.

Legal Reference: NDE Rule 27  
Neb. Statute 49-14,101.01

Cross Reference: 402.03 Employee Conflict of Interest  
403.05 Employee Outside Employment

Approved: July 13, 1992  
Revised: February 13, 2006

## **410 Certificated Employee Leaves of Absence**

Policy 410.01

## Certificated Employee Leaves

The board shall determine the amount of vacation, personal leave, sick leave, and bereavement leave that will be allowed on an annual basis for certificated employees.

The requirements stated for leaves in the current Negotiated Agreement between the board and the Elkhorn Education Association shall be followed for all certificated employees.

Approved: August 12, 1996  
Revised: February 13, 2006

## Policy 410.02

### Certificated Employee Personal Illness Leave

Personal illness leave for certificated employees (including administrators) is defined and detailed in the current Negotiated Agreement between the board and the Elkhorn Education Association. The board may establish a voluntary sick leave bank for teachers and other certificated employees other than administrators.

Approved: July 13, 1992  
Revised: August 12, 1996  
Revised: June 15, 1999  
Revised: February 13, 2006

## TEACHERS: VOLUNTARY SICK LEAVE BANK

The Board establishes a voluntary sick leave bank for teachers beginning with the 1999-2000 school year. This program will be reviewed annually and will operate under the following guidelines:

1. Elkhorn teachers may contribute one (1) day (no more, no less) of accumulated sick leave, as of September 1 of current school year, to the sick leave bank. **(Teachers, please note changes in item four and five below before deciding to contribute one day to the sick leave bank.)**
2. The one (1) day contribution to the sick leave bank is voluntary and will be subtracted from the days accumulated by the individual teacher contributor. Record of the one (1) day contribution will be noted on the individual teacher's October payroll voucher.
3. The Elkhorn Education Association will be responsible for submitting to the Personnel Office a list (with teacher signatures) of those individual teachers who will contribute one (1) sick leave day to the sick leave bank. This list will be due on or before September 1. If no list is submitted by September 1 the sick leave bank will not exist for that year.
4. Teachers who contribute one (1) day to the sick leave bank shall be eligible to withdraw up to seven (7) sick leave days from the sick leave bank; provided that they have exhausted their accumulated sick leave and personal leave; provided that there are sufficient days available in the sick leave bank; and provided that the sick leave is used only for the purpose described in the Negotiated Agreement, Page 2, Item VI; and provided that they have not withdrawn days from the sick leave bank during the previous school year.
5. Teachers who have withdrawn days from the sick leave bank in the previous school year and who have had a significant health related change of circumstances since the previous school year may appeal to the Superintendent for permission to participate in the sick leave bank. This appeal should take place prior to August 31.
6. Unused sick days in the sick leave bank at the end of the school year will not carry over to the next school year.

Adopted: August 1992  
Revised: August 16, 1999  
Revised: February 13, 2006

Policy 410.03

## Certificated Employee Family and Medical Leave

Unpaid family and medical leave will be granted up to 12 weeks per leave year to assist employees in balancing family and work life. A maximum of 12 weeks is available to eligible employees in any rolling 12-month period. Requests for family and medical leave shall be made to the superintendent and shall be processed on forms adopted by the district.

Legal Reference: 29 U.S.C. - 2601 et seq. (1994)  
29 C.F.R. Pt. 825 (1996)

Adopted: August 12, 1996  
Revised: February 13, 2006  
Revised: March 9, 2009

LEAVES (Family and Medical Leave Act)

A Entitlement to Unpaid Leave Under the FMLA.

1. Grounds for Leave. An eligible employee shall be entitled to a total of 12 work weeks of leave during a “rolling” twelve month-period, measured backward from the date of any FMLA usage for one or more of the following reasons:

- a. The birth of a son or daughter of an employee;
- or  
b. The placement of a son or daughter with an employee for adoption or foster care;
- c. To care for a spouse, son, daughter, or parent of an employee if such spouse, son, daughter, or parent has a serious health condition; and/or
- d. A serious health condition that makes an employee unable to perform the functions of the position of such employee.

2. Expiration of Entitlement for Child Birth or Adoption. The entitlement to leave under subparagraph A.1.a (hereinafter "A.1.a.") and A.1.b. (hereinafter "A.1.b.") shall expire at the end

3. Intermittent or Reduced Leave.

a. Immediate Family or Employee Health Leave for Instructional Personnel. Subject to the following paragraph, in any case in which an eligible District employee, employed principally in an instructional capacity for the District, requests leave under subparagraph A.1.c. (hereinafter "A.1.c.") or subparagraph A.1.d. (hereinafter "A.1.d.") that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, the District may require that such employee elect either:

- i. To take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- ii. To transfer temporarily to an available alternative position offered by the District for which employee is qualified and that:

1) Has equivalent pay and benefits; and

2) Better accommodates recurring periods of leave than the employee's regular employment position.

Admin. Rules and Proceed. - Polices #410.03, 412.10 Continued

b. Immediate Family (which shall mean spouse, son, daughter, or parent) or Employee Health for Non-instructional Personnel. Leave under A.1.c. or A.1.d. may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction of the total leave to which the employee is entitled (12 weeks) beyond the amount of leave actually taken. If an employee requests intermittent leave, or leave on a reduced leave schedule, for immediate family or employee health under A.1.c. or A.1.d. that is foreseeable based on planned medical treatment, the District can require such employee to transfer temporarily to an available alternative position offered by the District for which the employee is qualified and that:

- i. Has equivalent pay and benefits; and
  - ii. Better accommodates recurring periods of leave than the employee's regular employment position.
- c. Birth or Adoption. Leave under A.1.a. or A.1.b. shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the District agree otherwise.

4. Effect of Paid Leave. If the District provides paid leave for fewer than 12 work weeks, the additional weeks of leave necessary to attain the 12 work weeks of leave required under this Rule will be provided without compensation.

The District shall require the employee to substitute any of the employee's available business and emergency leave for leave provided under A.1.a., A.1.b., or A.1.c. for any part of the 12 week period for such leave.

The District shall require the employee to substitute any of the employee's available business and emergency or sick leave for leave provided under A.1.a., A.1.c., or A.1.d. for any part of the 12 week period for such leave under such subsection, except nothing shall require the District to provide paid sick leave in any situation in which the District would not normally provide any such paid leave.

No extensions beyond the 12 weeks for any given “rolling 12 month period (as defined above) will be allowed without prior District approval. If an employee, however, uses paid leave under circumstances that are determined by the District not to qualify as FMLA leave, the leave will not count against the 12 weeks of FMLA leave to which the employee is entitled.

If any of the above provisions are subject to a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

Admin. Rules and Proced. - Polices #410.03, 412.10 Continued

**B. Employee's Notice Requirement for births or Adoptions**

In any case in which the necessity for leave under A.1.a or A.1.b. is foreseeable based on an expected birth or placement, the employee shall provide the District Personnel Office with not less than 30 days notice before the date the leave is to begin of the employee's intention to take leave, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as soon as is practicable.

**C. Duties of District Personnel Involving Immediate Family or Employee's Health**

In any case in which the necessity for leave under subparagraphs A.1.c. or A.1.d. is foreseeable based on planned medical treatment, the employee:

1. Shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate;
2. Shall provide the District Personnel Office with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of such treatment requires leave to begin in less than 30 days, the employee shall provide such notice as soon as is practicable.

**D. Certification**

The District shall require that a request for leave under A.1.c. or A.1.d. be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer through the District Personnel Office on forms provided by the District.

1. **Second Opinion.** In any case in which the District has reason to

doubt the validity of the certification provided for leave under A.1.c. or A.1.d., the District may require, at the expense of the District, that the eligible employee obtain the opinion of a second health care provider designated or approved by the District concerning any information certified above for such leave. A health care provider so designated by the District shall not be employed on a regular basis by the District.

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2. Resolution of Conflicting Opinions. In any case in which the second opinion described above differs from the opinion of the original certification provided under this Rule, the District may require, at the expense of the District, that the employee obtain the opinion of a third health care provider designated or approved jointly by the District and the employee concerning the information so certified under this Rule. The opinion of the third health care provider concerning the information certified under this Rule shall be considered to be final and shall be binding on the District and the employee.

3. Subsequent Recertification. The District may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

#### E. Spouses Employed by the District

In any case in which a husband and wife entitled to leave under this Rule are both employed by the District, the aggregate number of work weeks to which both may be entitled will be limited to 12 work weeks each during any 12 month period in which such leave is taken under subparagraphs A.1.a., A.1.b. or A.1.c.

#### F. Employment and benefits Protection

1. Restoration to Position. Except as otherwise provided, any eligible employee who takes leave under this Rule for the intended purpose of the leave shall be entitled, on return from such leave:

a. To be restored by the District to the position of employment held by the employee when the leave commenced; or

b. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For purposes of determinations relating to restoration to an equivalent position, such determination shall be made on the basis of established

District school board policies and practices and collective bargaining agreements.

2. Employment Benefits. The taking of leave shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

3. Limitations. Nothing in this section shall be construed to entitle any restored employee to:

a. The accrual of any seniority or employment benefits during any period of leave; or

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b. Any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

4. Periodic Reporting. The District may require an employee on leave under A.1.a. through A.1.d. to report periodically on the status and intention of the employee to return to work.

#### G. Maintenance of Health Benefits

1. Coverage. Except as provided in the next succeeding paragraph, during any period that an eligible employee takes leave under this Rule, the District shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

2. Failure to Return from Leave. The District may recover the premium that the District paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave if:

a. The employee fails to return from leave and fulfill his/her contract under this Rule after the period of leave to which the employee is entitled has expired; and

b. The employee fails to return to work for a reason other than:

i. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under A.1.c. or A.1.d.; or

ii. Other circumstances beyond the control of the employee.

3. Certification. For a claim made under preceding paragraph B.2.b.i., the District may require a timely certification by the treating health care provider on a form provided by the District to be submitted to the Personnel Office.

#### H. Rules Applicable to Periods near the Conclusion of an Academic Term

The following rules shall apply with respect to periods of leave near the conclusion of the District's academic term in the case of any eligible employee employed principally in an instructional capacity by the District:

1. Leave More than Five Weeks Prior to the End of Term. If the eligible employee begins leave under this rule more than 5 weeks prior to the end

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of the academic term, the District may require the employee to continue taking leave until the end of the term, if:

a. The leave is of at least 3 weeks duration; and  
b. The return to employment would occur during the 3 week period before the end of such term.

2. Leave Less than Five Weeks prior to the end of Term. If the eligible employee begins leave under A.1.a., A.1.b., or A.1.c. of this rule during the period that commences 5 weeks prior to the end of the academic term, the District may require the employee to continue taking leave until the end of such term if:

a. The leave is of greater than 2 weeks duration; and  
b. The return to employment would occur during the 2 week period before the end of such term.

3. Leave Less than Three Weeks Prior to the End of Term. If the eligible employee begins leave under A.1.a., A.1.b., or A.1.c. during the period that commences three weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the District may require the employee to continue to take leave until the end of such term.

#### I. Definitions

1. Academic Term shall mean either of the two (2) school semesters.

2. Eligible Employee shall mean an employee who has been employed by the District for at least 12 months and for at least 1250 hours of service with the District during the previous 12 month period.

3. Employment Benefits shall mean all benefits provided or made available to District employees, regardless of whether such benefits are provided by a District practice or written policy or through an employee benefit plan.

4. Health Care Provider shall mean a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices or any other person determined by the Secretary of Labor to be capable of providing health care services.

5. Instructional Employees shall mean those whose principle function is to teach and instruct students in a class, small group, or on an individual basis. This

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term includes only teachers, but also athletic coaches, driving instructors, and special education assistants.

6. Parent shall mean the biological parent of an employee or an individual who stood in *loco parentis* (i.e., in the place of a parent) to an employee when the employee was a son or daughter.

7. Reduced Leave shall mean a leave schedule that reduces the usual number of hours per work week, or hours per work day, of an employee.

8. Serious Health Condition shall mean an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

9. Son or Daughter shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis* who is under 18 years of age or who is 18 years of age; or older and incapable of self-care because of a mental or physical disability.

10. Spouse shall mean husband or wife.

11. Twelve month period shall mean a "rolling" twelve month-period, measured backward from the date of any FMLA usage.

Rule Proposed: June 18, 1996

Adopted: August 12, 1996  
Revised: February 13, 2006  
Revised: March 9, 2009

#### Policy 410.04

##### Certificated Employee Jury Duty Leave

Any employee who is summoned to serve on jury or election board duty, or who is subpoenaed to provide testimony, shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from work due to such service provided the employee submits a copy of the summons, in advance, to the employee's supervisor.

Certificated employees will receive their regular salary. Any payment for jury duty may be paid to the school district if requested by the district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Legal Reference: Neb. Statute 25-1640

Proposed: January 9, 2006  
Adopted: February 13, 2006

#### Policy 410.05

##### Certificated Employee Military Service and Leave

Certificated employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve and State Guard are entitled to a leave of absence, without loss of pay, on all days during which they are employed under the orders or authorization of competent authority in the active service of the State or United States. Such leave of absence will be without loss of pay for a period not to exceed fifteen (15) work days in any one calendar year. Such leave of absence will be in addition to any leave provided by the District through policy or negotiated agreement. Any such leave that extends beyond fifteen (15) work days in any one calendar year shall be without pay from the remaining contract payments.

If the Governor of the State of Nebraska declares a state of emergency any of the above certificated employees who are ordered to active service shall receive an additional leave of absence until such member is released from the active service by competent authority. During this additional leave of absence, the employee shall receive such portion of his or her salary or compensation as will equal the loss he or she may suffer while in the active service of the state. The loss he or she may suffer while in the active service of the state is defined as the differential between military and district salaries.

Employees who are required to leave a position other than temporarily for training with the armed forces of the United States or to undertake military duty in the active service of the state are entitled to a leave of absence for such period, not to exceed four years, plus any additional period as provided by law, without loss of status and without loss of pay during the first fifteen work days, which pay for the first fifteen work days is not in addition to that described above.

Upon an honorable discharge from active service, such employee shall be entitled to a return to a comparable position as provided by law. Such person shall not be discharged without justifiable cause within one year after reinstatement.

Absence for any of the reasons stated above shall not affect the employee's right to receive normal personal leave, sick leave, and other benefits of the employee's employment normally to be anticipated in the employee's particular position.

*Family Military Leave – Military leave and family military leave will be granted to the extent required by state and federal law. Family military leave under the Family and Medical Leave Act (FMLA) will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave. Employees requesting to take family military leave must notify the Superintendent at least 14 days in advance of taking such leave if such a leave will be for 5 or more consecutive days.*

Legal References: Neb. Statute 55-160 to 166 and 55-501-507, 79-838, and 29  
U.S.C.A. 2611, et seq. and 29 CFR Part 825

Adopted: February 13, 2006

Revised: September 10, 2007  
Revised: August 11, 2008

## Policy 410.06

### Certificated Employee Unpaid Leave

Unpaid leave is generally discouraged except in cases of extreme need or for the purposes stated in the Family Medical Leave Act (Policy 410.03). Requests for unpaid leave for certificated employees must be submitted to the superintendent in writing. The superintendent shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent shall consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

Any unused personal leave days must be applied to such absences before unpaid leave is used. If unpaid leave is granted, the duration of the leave period shall be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

If the unpaid leave is granted, the deductions in salary shall be made from the certificated employee's next paycheck.

Proposed: January 9, 2006  
Adopted: February 13, 2006

## **411 Other Certificated Employees**

### Policy 411.01

#### Part-Time Certificated Employees

Certificated employees employed for temporary assignments and not regularly employed shall be subject to the policies and rules of the district prescribed for substitute teachers. (See Policy 411.02)

Certificated employees employed four-fifths of the time or more during each year of employment shall be deemed permanent certificated employees as provided by law and such certificated employees shall be subject to the terms and conditions applicable to permanent certificated employees.

Certificated employees employed part-time shall receive salaries and other compensation, including health and accident insurance, which will be prorated according to the placement of the teacher on the salary schedule and the proportion of the employment as it relates to the employment of a full-time equivalent (FTE) teacher; provided, however, that part-time teachers assigned .49 FTE or less will receive no health insurance or other fringe benefits provided by the District.

Legal Reference: 79-825

Approved: July 13, 1992

Revised: August 12, 1996

Revised: February 13, 2006

### Policy 411.02

#### Substitute Teachers

The board recognizes the need for substitute teachers. Substitute teachers who are employed by the district shall hold an active Nebraska Teacher Certificate.

The rate of pay for substitute teachers shall be established yearly by the board, prior to the opening of the school year. Substitute teachers shall not be eligible for tenure status. Substitute teachers will not participate in the health insurance or the fringe benefits of the district.

Legal Reference: 79-802

Approved: July 13, 1992

Revised: August 12, 1996  
Revised: February 13, 2006

### Policy 411.03

#### Cooperating Teachers and Student Teachers

Any tenured teacher in the district may serve as a cooperating teacher. Approval for assignment as such shall be made by the superintendent upon recommendation of the building principal.

Student teachers are recognized as a valuable part of the instructional team in the district. All assignments for student teachers shall be made by the superintendent upon recommendation of the building principal. Assignments shall be made in such a way as to insure that all students will be instructed the majority of the time by permanent certificated teachers.

Legal Reference: 79-875 to 878

Approved: July 13, 1992  
Revised: February 13, 2006

### Policy 411.04

#### Truancy Officer

Each building principal in the district shall serve as the official truancy officer for their building. The role of the truancy officer shall be to investigate the cause of a student's truancy and, by working with the student's parents and/or legal guardians, to attempt to ensure the student's regular and prompt attendance.

Legal Reference: 79-208-9

Proposed: January 9, 2006  
Revised: February 13, 2006

## **412 Support Staff**

### Policy 412.01

## Support Staff Qualifications, Recruitment and Selection

Support staff includes all teacher assistants, secretaries, clerical staff members, custodians, maintenance staff, drivers and all other positions that do not fall within the definition of certificated employee. All support staff members shall be considered "at will" employees.

It shall be the responsibility of the superintendent and building principals to establish job specifications and job descriptions for support staff positions. Positions may be full-time or part-time but may only be added within budget designations as established by the board.

The board delegates to the superintendent or designee the authority to recruit, employ, assign and terminate support staff members; provided that all such actions shall be in accordance with the applicable provisions of state and federal law regulating "at will" employees. The district shall conduct a criminal background check on any applicant at the point of consideration for selection. The superintendent shall report to the board annually the names and assignments of support staff personnel. The board shall annually set the wages and benefits of support staff per classification.

Legal Reference: 79-501 and 79-802

Approved: July 13, 1992  
Revised: February 13, 2006

### Policy 412.02

#### Support Staff Assignment and Transfer

Assignment of all support staff members will be made by the superintendent or designee. A transfer request may be initiated by the employee, the principal or the superintendent. Transfers of support staff members will be made on the basis of the qualifications of each support staff member and the needs of the school district as determined by the superintendent or designee.

Approved: July 13, 1992  
Revised: February 13, 2006

### Policy 412.03

## Support Staff Appraisal and Professional Development

Appraisal of support staff on their skills, abilities and competence shall be an ongoing process supervised by the superintendent. The goal of the formal appraisal shall be to maintain support staff who meet or exceed the board's standards of performance, to clarify each support staff member's role, to ascertain the areas in need of improvement or development, to clarify the immediate priorities of the board, and to develop a positive working relationship among district employees.

The district expects each support staff member, under the guidance of their immediate supervisor, to participate in a program of professional development to maintain and improve performance and proficiency.

It shall be the responsibility of the superintendent or designee to ensure support staff members are formally appraised annually.

Proposed: January 9, 2006  
Revised: February 13, 2006

## Policy 412.04

### Support Staff Group Insurance Benefits

Support staff may be eligible for group insurance benefits as determined by the board and required by law. The board shall select the group insurance program and the insurance company with will provide the program.

Support staff must work a minimum of 37.5 hours per week to be eligible to participate in the health group insurance plan.

This policy statement does not guarantee a certain level of benefits. The board shall have the authority and right to change or eliminate group insurance programs for support staff members.

Proposed: January 9, 2006  
Revised: February 13, 2006

## Policy 412.05

## Support Staff Worker's Compensation

The district will participate in workers' compensation as required by statute. All employees of the district will be covered by workers' compensation regardless of type of assignment, length of assignment or hours worked per day.

The superintendent or designee shall be responsible for developing administrative regulations to implement the workers' compensation plan and shall annually review the costs and performance of the plan, making recommendations to the board for changes as necessary.

Legal Reference: Neb. Statute 48-101 et seq.

Cross Reference: 407.03 Workers' Compensation  
905 Safety Program

Proposed: January 9, 2006  
Revised: February 13, 2006

## Policy 412.06

### Tax Sheltered Annuities

The board authorizes the administration to make a payroll deduction for employees' tax sheltered annuity premiums purchased from any company approved by the district that the employee chooses.

Employees wishing to have payroll deductions for tax sheltered annuities shall make a written request to the superintendent. The district may set limits on the number of amendments an employee may make to their tax sheltered annuity in any one year.

Cross Reference: 407.04 Tax Sheltered Annuities  
707 Payroll Procedures

Approved: July 13, 1992  
Revised: July 11, 2005  
Revised: February 13, 2006

## Policy 412.07

## Support Staff Resignation

Support staff members who wish to resign during the school year shall give their immediate supervisor notice of their intent to resign at least 14 days prior to their last working day.

Notice of the intent to resign and intended final date of employment shall be in writing to the superintendent.

Proposed: January 9, 2006  
Revised: February 13, 2006

## Policy 412.08

### Support Staff Suspension and Termination

Support staff shall perform their assigned jobs, respect and follow board policy and obey the law. The superintendent or designee shall have the authority to suspend any support staff member from duty with or without pay pending an investigation of charges against the support staff member or for disciplinary purposes.

A support staff member may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, insubordination, reduction-in-force, willful violation of board policy or administrative regulations or a violation of the law. When the superintendent or designee determines that a support staff member should be terminated, all wages and other benefits to which that support staff member was entitled shall cease with the date of the official dismissal and upon dismissal the support staff member shall be paid in full all amounts due as of the date of dismissal.

Approved: July 13, 1992  
Revised: February 13, 2006

## Policy 412.09

## Support Staff Vacations, Holidays, and Leave

The board shall determine the amount of vacation, holidays and leave that will be allowed on an annual basis for support staff.

It shall be the responsibility of the superintendent to make a recommendation to the board annually on vacation, holidays and leave for support staff.

Approved: July 13, 1992  
Revised: February 13, 2006

## Policy 412.10

### Support Staff Member Family and Medical Leave

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. A maximum of 12 weeks is available to eligible employees in any rolling 12-month period. Requests for family and medical leave shall be made to the superintendent and shall be processed on forms adopted by the district. To be eligible for family and medical leave, the staff member must be employed by the district for at least the twelve prior months and must work a minimum of 1,250 hours per year. See Rule 410.03 for regulations.

Legal Reference: 29 U.S.C. - 2601 et seq. (1994)  
29 C.F.R. Pt. 825 (1996)

Adopted: August 12, 1996  
Revised: February 13, 2006  
Revised: May 11, 2009

## Policy 412.11

## Support Staff Jury Duty Leave

Any employee who is summoned to serve on jury or election board duty, or who is subpoenaed to provide testimony, shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from work due to such service provided the employee submits a copy of the summons, in advance, to the employee's supervisor.

Support staff members will receive their regular salary. Any payment for jury duty may be paid to the school district if requested by the district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Legal Reference: Neb. Statute 25-1640

Proposed: January 9, 2006

Adopted: February 13, 2006

## Support Staff Employee Military Leave

Military leave will be granted to support staff employees in accordance with applicable state and federal laws. To be eligible for military leave, the employee must provide the superintendent advance notice of his or her service obligations unless he or she is prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Upon conclusion of leave the employee will retain reemployment rights and accrue seniority and benefits subject to applicable district policies and statutory limitations under federal and state laws. Questions regarding the military leave policy and applicable state and federal laws should be directed to the office of the Superintendent.

Support staff employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve and State Guard are entitled to a leave of absence, without loss of pay, on all days during which they are employed under the orders or authorization of competent authority in the active service of the State or United States. Such leave of absence will be without loss of pay for a period not to exceed fifteen (15) workdays in any one calendar year. Such leave of absence will be in addition to any leave provided by the District through policy or negotiated agreement. Any such leave that extends beyond fifteen (15) workdays in any one calendar year shall be without pay from the remaining contract payments.

If the Governor of the State of Nebraska declares a state of emergency any of the above certificated employees who are ordered to active service shall receive an additional leave of absence until such member is released from the active service by competent authority. During this additional leave of absence, the employee shall receive such portion of his or her salary or compensation as will equal the loss he or she may suffer while in the active service of the state. The loss he or she may suffer while in the active service of the state is defined as the differential between military salary and district salary.

Employees who are required to leave a position other than temporarily for training with the armed forces of the United States or to undertake military duty in the active service of the state are entitled to a leave of absence for such period, not to exceed four years, plus any additional period as provided by law, without loss of status and without loss of pay during the first fifteen work days, which pay for the first fifteen work days is not in addition to that described above.

Absence for any of the reasons stated above shall not affect the employee's right to receive normal personal leave, sick leave, and other benefits of the employee's employment normally to be anticipated in the employee's particular position.

(Policy 412.12 – Support Staff Employee Military Leave, cont.)

Family Military Leave – Support staff employees who are eligible to take leave under the Family and Medical Leave Act may be eligible for military family leave including “active duty” leave and military caregiver” leave pursuant to the provisions of the Family and Medical Leave Act. Requests for family military leave shall be made to the Superintendent and shall be processed on forms adopted by the district. See Rule 410.05 for regulations.

Legal Reference: Neb. Statute 55-160 to 166  
79-838  
38 U.S.C. 4301, et seq.  
29 C.F.R. Pt. 825

See Rule 410.05

Adopted: February 13, 2006  
Revised: September 10, 2007  
Revised: May 11, 2009

*Administrative Rules and Procedures to Implement Policy 410.05, 412.12*

**FAMILY MILITARY LEAVE**

## Eligibility

If you are an employee who is otherwise eligible to take leave under the Family and Medical Leave Act (FMLA), you may be eligible for military family leave. There are two types of leave available.

### Active Duty Leave

The district will grant leave for up to 12 weeks per year for “any qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. Qualified exigencies include:

1. Short-notice deployment (7 or less calendar days prior to the date of deployment);
2. Military events and related activities (in advance of and during deployment, including family support or assistance programs and informational briefings);
3. Childcare and school activities (e.g. to arrange for alternative childcare, provide on an urgent, immediate-need basis or to attend meetings out of school or daycare facility);
4. Financial and legal arrangements (e.g. to arrange for alternative childcare, provide childcare on an urgent, immediate-need basis or to attend meetings out of school or daycare facility);
5. Counseling (non-medical, for oneself, the servicemember or a child);
6. Rest and recuperation (up to 5 days for each);
7. Post-deployment activities (to attend ceremonies and briefings for a period of 90 days or to address issues arising from a service member’s death; and
8. Additional activities agreed to by the district and the employee.

### Military Caregiver Leave

The district will grant military caregiver leave for up to 26 weeks in a single 12-month period to an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member, who is recovering from a serious illness or injury sustained in the line of duty on active duty, in order to care for the service members. “Next of kin” is defined as the “nearest blood relative” of the service member. The term “serious illness or injury” is defined as one that renders the service member medically unfit to perform the duties of the member’s military position. The “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list due to the injury or illness. You are entitled to this military caregivers leave intermittently or continuously, but only during “a single 12-month period.” If you take this military caregiver leave, any leave you have used of your 12-week allotment for other FMLA leave will be deducted from the 26-week period.

As with current certifications for other medical leave under the FMLA, the written certification should state; (1) the date on which the serious health condition commenced; (2) the probable duration of the condition; (3) the appropriate medical facts regarding the condition and its duration; and (4) that the covered service member is medically unfit to perform the duties of the member's office, grade, rank or rating.

#### Application and Notice

If you desire a leave pursuant to these military leave provisions of the FMLA, you must follow similar procedures for application and notice of leave that are utilized by the district for other FMLA leave.

When the request is for "active duty leave" because of a qualifying exigency, you must submit an application advising why the leave is needed and you should provide notice as soon as reasonable and practicable.

If a request is for "military caregiver leave" and the leave is foreseeable, such as for a planned medical treatment, you must submit the application for leave not less than 30 days before the date the leave is to begin. You should attempt to schedule your leave so as not to disrupt operations. When the need for leave is not foreseeable, you must submit the application as far in advance of the date the leave is to begin as is practicable.

A leave pursuant to the military family leave provisions may be taken on an intermittent (rather than on an uninterrupted) basis or on a reduce schedule if medically necessary because of the health condition of the service member who is your spouse, child, parent, or next of kin.

#### Verification or Certification

When the application for leave is because of a qualifying exigency due to the service members S active duty, the application should state the nature of the relationship of the employee to the service members and you should attach to your application for leave verification of the service member's call-up or active duty and the reason for the request. If not immediately available, you should provided the verification as soon as practicable. If you are unable to provide verification, the district my deny FMLA designation for the leave. However, the district retains the right, in its sole discretion, to designate any leave as FMLA leave retroactively upon receipt of verification.

When the application for leave is for military caregiver leave, the application should state the nature of the relationship of the employee to the service member and must have attached to it a written certification form the healthcare provider, including but not limited to the Department of Defense, for the injured service member. If not immediately available, the district may, in its sole discretion, permit an eligible employee to commence an FMLA leave; however, the employee must provide the required certification within five (5) business days or the district may deny FMLA designation to the leave. However, the district retains the right, in its sole discretion, to designate any leave as FMLA leave retroactively upon receipt of a certification.

#### Conditions

Employees using family military leave under this policy and rule shall be subject to the Administrative Rules and Procedures applicable to Policy 410.03 and 412.10 to the extent those provisions are not inconsistent with this policy.

If an employee or an employee's spouse are both employed by the district and both are taking leave because of a qualifying exigency and any of the other FMLA leave, both of you are entitled to a combined total of 12 weeks of leave, rather than 12 weeks each.

*Administrative Rules and Procedures to Implement Policy 410.05,*

*412.12, pg. 3*

If an employee and an employee's spouse are both employed by the district, and both are taking military caregiver leave and any other FMLA leave, both are entitled to a combined total of 26 weeks of leave, rather than 26 weeks each. Limitations of 12 weeks for any leave other than military caregiver leave are still valid.

Proposed: April 2009

Adopted: May 11, 2009

Policy 412.13

Support Staff Unpaid Leave

Unpaid leave is generally discouraged except in cases of extreme need or for the purposes stated in the Family Medical Leave Act (Policy 412.10). Requests for unpaid leave for support staff employees must be submitted to their immediate supervisor (building principal or district administrator) in writing. The supervisor (building principal or district administrator) shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the supervisor shall consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

Any unused personal leave days or unused vacation days must be applied to such absences before unpaid leave is used.

Adopted: February 13, 2006